


622.007
N48m

MINING ACTS

AND

REGULATIONS.

[1,000/1/1909—450



Digitized by the Internet Archive
in 2017 with funding from
University of Illinois Urbana-Champaign Alternates

<https://archive.org/details/miningactsregula00newz>

New Zealand.

INDEX.

- Abandonment by operation of law, ss. 185-199.
 in case of dredging claims, s. 186.
 in case of water-race, ss. 187, 188.
 intention to abandon, s. 189.
 when privilege not deemed abandoned, s. 192.
 certificate of Warden of, ss. 190, 191.
 certificate to be registered, s. 194.
 where certificate relates to portion of privilege,
 s. 195.
 certificate to take effect forthwith, s. 196.
 abandoned land to be open for application,
 s. 197.
- Accidents in mines, ss. 265-270.
 negligence an offence, s. 265.
 official inquiry, s. 266.
 negligence presumed, s. 267.
 compensation for, s. 268.
 mine not to be interfered with until inquiry,
 s. 269.
 Coroner's inquest, s. 270.
- Act, copy of, to be kept at mine, s. 254 (46).
- Administration of justice, ss. 306-355. See Warden's Court.
- Advances to companies for development of mining,
 ss. 356-363.
 conditions of, s. 359.
 company to execute mortgage, s. 360.
 company to keep works insured, s. 362.
 action in case of default, s. 362.
 loans to persons not incorporated, s. 363.
- Affidavits, swearing of, s. 353.
- Alienated Crown lands, when open for prospecting, s. 50.
- Amalgamation of claims, s. 158.
- Appeals from Warden's Court, ss. 336-346.
 to District Court or Supreme Court, s. 336.
 on fact or law, s. 337.
 notice and grounds of, s. 338.
 procedure when on law alone, s. 339.
 to be by way of rehearing, s. 340.
 issue of fact may be tried by jury or assessors,
 s. 340.
 when deemed to be abandoned, ss. 341, 342.
 hearing of, ss. 343, 344.
 stay of proceedings on, s. 345.
 order on, costs, s. 346.
- Appearance of parties at Warden's Court, s. 333. (24).
- Applications to Warden, general rules as to, s. 165.
- Assessors, roll of, ss. 311-313.
 when complaint to be tried with, s. 316.
 ballot for, fees, powers, s. 318.
 on inquiry into accident, s. 266.
- Auckland Goldfields Proclamations Validation Act not
 affected, s. 34.
- Auld's Creek excepted as a tailings watercourse, s. 136.
- Bailiff, appointment of, s. 10.
 duties of, s. 333, (2).
 may sell without auctioneer's license, s. 399.
- Bankruptcy of holder, protection of mining privilege
 on, s. 163.
- Battery-site licenses, ss. 137, 138.
 not to exceed 5 acres, s. 139.
- Battery superintendent to hold certificate, ss. 229, 236.
 name of, to be furnished, s. 237.
 certificate to be produced on demand, s. 239.
- Blasting, rules as to, s. 254, (3).
- Board of Examiners, ss. 226, 227.
- Boring-rods to be used, s. 254, (41).
- Brace to be sheltered from weather, s. 254, (21).
- Brakes to be provided, s. 254, (26).
 wilful damage to, s. 254, (39).
- Bridges, protection of, from damage, s. 202.
 over water-races, s. 115.
- Business-site licenses, ss. 137, 138.
 not to exceed quarter-acre, s. 139.
 conditions of, s. 140.
 business may be carried on without, s. 141
 if, unsurveyed, held on sufferance, s. 143.
- Business-site licenses, holder liable for rates, s. 143.
 Warden may set apart land for, s. 145.
 certain towns excepted, s. 146.
 when may be forfeited, s. 181.
 when deemed abandoned, s. 185.
 compensation for improvements, s. 212.
 on Native land, s. 32.
- Cages to be covered overhead, s. 254, (18).
 regulating use of, s. 254, (19).
 materials not to be sent with men, s. 254, (20).
 indicators to be provided, s. 254, (26).
 appliances to prevent sudden fall of, s. 254, (27).
 spring catches or tumblers, s. 254, (28).
 wilful damage to, s. 254, (39).
- Cattle depasturing on Crown land without license, s. 49.
 without consent of lessee, s. 48.
- Certificate of abandonment. See abandonment.
 of easement, ss. 200, 201.
 evidence of compliance with conditions pre-
 cedent, s. 396.
- Certificates by examination, s. 233.
 candidate to supply proof of experience, s. 234.
 without examination, s. 235.
- Chains, general rules as to, s. 254, (23).
 to be tested, s. 254, (24).
- Chattel interest, mining privilege is, s. 171.
- "Claim" defined, s. 4.
- Claims, classes of, s. 86.
 extent of, along stream or foreshore, s. 87.
 priority of right to take up, ss. 88, 89.
 alluvial claim, mode of taking up, s. 89.
 marking out and application for, ss. 90, 91.
 under the sea or foreshore, s. 92.
 boundaries to be kept marked, s. 93.
 any number may be taken up, s. 94.
 rights and liabilities of holders, ss. 95-101.
 who is deemed the holder, s. 95.
 holder entitled to exclusive occupation, s. 96.
 labour-conditions, ss. 97, 98.
 injury to surface of land, s. 101.
- Coal, Act does not apply to, s. 2.
- Commissioners of Crown Lands, powers of, s. 166.
- Compensation for damage to land, ss. 207-209.
 casual damage to mining privilege, s. 210.
 for improvements, s. 212.
 by the Crown, ss. 284-294.
 mode of determining, s. 284.
 by whom claims determined, s. 285.
 form of claim, service, ss. 286-288.
 where Public Trustee is owner, s. 289.
 how to be paid, s. 290.
 payable, only in cases provided for, s. 291.
 regulations as to claims, s. 294.
 for accidents, s. 268.
- Concentrating plants to be covered, s. 254, (2).
- Contempt of Court, s. 331.
 Coroner's inquest on fatal accident, s. 270.
- Costs and fees in Warden's Court, s. 333, (29).
- Counterclaim in Warden's Court, ss. 333, (30).

- Court fees, s. 333, (34).
to be paid in advance, s. 333, (35).
- "Crown lands" defined, s. 4.
- Crown lands, mining on, ss. 16-20.
leased lands deemed Crown lands, s. 17.
may be set apart for, or exempted from, mining, ss. 18, 19.
State forests subject to Act, s. 20.
sale and occupation of, ss. 37-46.
limited application of Land Act, ss. 37, 38.
may be declared open for sale, s. 39.
valuation for buildings and improvements, ss. 40, 41.
mining rights protected, s. 42.
leases in mining townships, s. 43.
illegal occupation of, ss. 47-49.
- Cultivation, when may be interfered with, s. 206.
- Cyanide plants to be covered, s. 254, (2).
- Dam licenses, s. 108. See Water.
- Damage to land, compensation for, ss. 207-209.
casual damage to mining privilege, s. 210.
- Death of holder, protection of mining privilege on, s. 163.
- Defects in proceedings, removal of, s. 354.
- Depasturing cattle without consent of lessee, s. 48.
on Crown land without license, s. 49.
- Development of the mining industry, ss. 384-391.
subsidy for pioneer mining, s. 384.
local authorities may expend funds for, ss. 385-388.
reward of discovery of new field, s. 389.
applications for and conditions of assistance, ss. 390, 391.
- Diamonds, Act may be applied to, s. 3.
- Discoveries, priority to, s. 89.
- Discovery of new goldfield, reward for, s. 389.
- District Court, jurisdiction of, s. 347.
action may be removed to Supreme Court, ss. 348, 349.
question may be reserved for Supreme Court, s. 350.
appeals to, from Warden's Court, s. 336.
- Drainage of mines, ss. 249-253.
adjoining mines to contribute to cost of, s. 249.
accidental stoppage of machinery, s. 250.
local authority may contribute to, s. 251.
- Drainage areas and Boards, s. 252.
exempt from survey, s. 169.
licenses, s. 109. See Water.
conditions of grant of, s. 114.
- Dredgemaster to hold certificate, s. 231.
certificate to be produced on demand, s. 239.
- Dredges, application of general rules to, s. 255.
- Dredging claim, extent of, along stream or foreshore, s. 87.
when deemed abandoned, s. 186.
- Dressing-rooms for miners, s. 254, (31).
- Drives to be made secure and lighted, s. 254, (11).
- Easements, grant of, ss. 200, 201.
- Encroachment suits, powers of Court in, ss. 321, 322.
- Engine-driver to hold certificate, ss. 230, 236.
certificate to be produced on demand, s. 239.
- Escape-drives in mines liable to flood, s. 254, (42).
- Examination of mine daily, s. 254, (44).
- Examiners, Board of, ss. 226, 227.
- Explosives, use of, s. 254, (3).
- Extended and special claims, rent of, s. 99.
- Fine for breach of Act or regulations, s. 400.
no bar to civil action, s. 401.
recovery of, s. 310.
application of, s. 276.
- Foreign company, liability of attorney, &c., for fees and rent, s. 398.
- Forfeiture of mining privileges, ss. 181-184.
when privilege liable to, s. 181.
defence to suit for, s. 182.
of ground in excess of maximum, s. 183.
procedure in suits for, s. 184.
fine in lieu of, s. 184.
when privilege not liable to, s. 192.
decree of, to be registered, s. 194.
when decree relates to portion of privilege, s. 195.
decree to take effect forthwith, s. 196.
forfeited land to be open for application, s. 197.
- Garden, when may be interfered with, s. 206.
- Gauges to be provided, s. 254, (37).
wilful damage to, s. 254, (39).
- General rules, s. 254.
application of, to dredges, s. 255.
proceedings for breach of, s. 257.
breach of, by mine-manager, s. 254, (47).
copy of, to be posted in mine, s. 254, (48).
- Gold-dealers, ss. 364-383.
licenses, ss. 365-372.
register of, s. 373.
gold-dealer's book, ss. 375-380.
temporary licenses, s. 381.
unlicensed dealers, s. 382.
dealings in gold to be recorded, s. 383.
- Goldfields revenue, application of, s. 409.
- Gunpowder, use of, s. 254, (3).
- Health Officers, powers of, s. 272.
- Holidays, mining privileges protected during, s. 162, (3).
- Horse-roads, spaces in, to be provided, s. 254, (5).
- Hours of employment, ss. 240, 248.
overtime, s. 248.
- House, when may be interfered with, s. 206.
- Improvements, limited right of compensation for, s. 212.
removal of, on expiry of lease, &c., s. 212.
- Informality, proceedings not to be dismissed for, s. 326.
- Inspection of mines, ss. 271-274.
powers of Inspectors, s. 271.
powers of Health Officers, s. 272.
powers of Inspectors of Machinery, s. 273.
rights of shareholder as to, s. 274.
Inspector to give notice of defects, s. 261.
workman to give notice of defects, s. 262.
Inspector to inquire into complaints, s. 263.
by workmen's representatives, s. 264.
- Inspectors of Machinery, powers of, s. 273.
- Inspectors of Mines, appointment of, s. 11.
powers of. See Inspection of mine.
- Instalments, judgment to pay by, s. 333, (32).
- Judgments and orders of Warden's Court, how enforced, ss. 324, 330.
record and drawing-up of, s. 327.
- Kauri Timber Company's lease, validation of mining privileges over, s. 410.
- Labour-conditions, ss. 97, 98.
- Ladders to be provided in certain shafts, s. 254, (22).
inclination of, s. 254, (30).
in rises, s. 254, (43).
wilful damage to, s. 254, (39).
- Leases of land acquired by the Crown, s. 59-62.
may be surrendered, s. 59.
may be determined, s. 60.
when land required for mining purposes, s. 61.
application to lease of Tairua lands, s. 62.
in mining townships, s. 43.
- Licenses, form, term, conditions, &c., s. 170.
to be registered, s. 173. See Registration.
issue of, evidence of compliance with conditions precedent, s. 396.
when lost or destroyed, s. 396, (2).
proof of, s. 396, (3).
- Lien for wages or contract-moneys, ss. 214-222.
to have priority over all incumbrances, s. 215.
Warden to determine questions relating to, s. 216.
privilege may be sold to satisfy, ss. 217, 218.
mortgagee may pay off, ss. 219, 220.
- Local authority may expend funds for development of mining, ss. 385-387.
Governor may delegate power to, to expend Government moneys, s. 388.
may contribute to drainage of mines, s. 251.
- Lunacy of holder, protection of mining privilege on, s. 163.
- Machine-site license, ss. 137, 138.
not to exceed 5 acres, s. 139.
- Machinery to be examined, s. 254, (34).
to be under control of adult, s. 254, (32).
to be fenced, s. 254, (36).
- Manholes to be provided, s. 254, (4).
to be kept clear, s. 254, (6).
- Mine-manager to hold certificate, ss. 228, 236.
name of, to be furnished, s. 237.
deputy, s. 238.

- Mine-manager, certificate to be produced on demand, s. 239.
breach of general rules by, s. 254, (47).
not to act as sharebroker, s. 395.
- Miners' rights, ss. 63-65.
form, fee, s. 63.
relative to Native ceded land, s. 64.
rights under, ss. 65, 68.
consolidated, s. 66.
- Mineral licenses, s. 102.
prospecting warrants and mineral leases, ss. 76-85.
fee for warrant, s. 76.
duration of warrant, s. 77.
rights of holder, s. 78.
conditions of warrant, s. 79.
may select on lease, s. 80.
regulations as to rent, conditions, &c., s. 81.
if land proves auriferous, s. 82.
holder may apply for mining privilege, s. 83.
extension to Native lands, s. 85.
- Mining agents, registration of, s. 333, (3).
may charge fees, s. 333, (4).
may appear for party, s. 333, (5).
- Mining districts, s. 8.
- "Mining operations" and "mining purposes" defined, s. 4.
- Mining partnerships, ss. 295-305.
what are, s. 296.
property of, s. 297.
proportionate share of profits and losses, s. 298.
lien of member for debts paid by him, s. 299.
transfer of interest in, s. 300.
decision of majority binding, s. 301.
grounds for dissolution, s. 302.
partnership suits, s. 305.
- "Mining privilege" defined, s. 4.
- Mining Registrars, appointment of, s. 10.
to furnish monthly returns, s. 405.
- Mining townships, leases in, s. 43.
may be laid off, s. 45.
- Mining without authority, s. 394.
- "Native land" defined, s. 4.
- Native land may be declared open or ceded for mining, s. 28.
ceded lands open for mining, s. 30.
fees, &c., for ceded lands, s. 31.
business and residence sites on, s. 32.
mining on, without authority, s. 33.
in Auckland District, s. 34.
under Ohinemuri deed of cession, s. 35.
when Native title extinguished, s. 36.
mineral prospecting warrants and leases over, s. 85.
- Native reserves exempt from Act, s. 22.
may be brought under Act, ss. 23, 24.
to be of surface only, s. 26.
available for mining in certain cases, s. 29.
- Negligence resulting in accident an offence, s. 265.
presumed, s. 267.
- Offences, general penalty for, s. 275.
- Office and officers of Warden's Court, s. 333, (1).
- Officers not to have personal interest in mining, s. 14.
- Ohinemuri deed of cession, s. 35.
- "Owner" defined, s. 4.
- Parapara lease, s. 103.
- Party, appearance of, in Warden's Court, s. 333, (5).
- Payment into Court, s. 333, (26).
- Places of refuge to be provided, s. 254, (5).
to be kept clear, s. 254, (6).
- Plans of underground workings, ss. 258, 259.
- Post-offices at which fees, rents, &c., may be paid, s. 11.
- Precious stones, Act may be applied to, s. 3.
- Priority to discoveries, s. 89.
- Proclamations, &c., may apply generally or particularly, s. 7.
- Prospecting warrants and licenses, ss. 67-75.
only on lands open for prospecting, s. 67.
grant of, s. 69.
rights of holders, s. 70.
warrants and licenses distinguished, s. 70.
classes of licenses, s. 71.
provisions relating to, ss. 72, 73.
compensation for damage, s. 74.
lands excepted from prospecting, s. 75.
- Protection of mining privileges, ss. 159-164.
Warden may grant, s. 160.
no liability during period of, s. 159.
grant of further protection, s. 161.
where mining privilege at high altitude, s. 162.
days on which all mining privileges protected, s. 162, (3).
in case of bankruptcy, lunacy, or death of holder, s. 163.
further protection in quartz claims, s. 164.
- "Public reserve" defined, s. 4.
- Public reserves in mining districts, ss. 21-27.
exempt from Act, s. 22.
may be brought under Act, ss. 23, 24.
to be of surface only, s. 26.
- Railway, protection of, from damage, ss. 202, 203.
- Rates, holders of business-site or residence-site licenses liable for, s. 143.
- Receivers of Gold Revenue, appointment of, s. 10.
may sue for rent, &c., in arrear, s. 402.
to furnish half-yearly returns, s. 403.
- Register, certified extract from, evidence, s. 397.
- Registration of licenses, &c., ss. 172-180.
of transfers, s. 172.
of other interests, s. 176.
registration fee, s. 179.
searches in register, s. 180.
of decree of forfeiture, s. 194.
of certificate of abandonment, s. 194.
of appliances for treating ores, ss. 277-283.
registration of machine, s. 278.
having unregistered machine, s. 279.
of Proclamations made under Public Works Act, s. 404.
- Regulations, power to make, s. 392.
- Rehearing of proceedings in Warden's Court, s. 334.
- Renewal of licenses, s. 170.
registration of, s. 173.
annual renewal not necessary in certain cases, ss. 174, 175.
- Repealed Acts, matters arising under, s. 5.
- Residence-sites, Warden may set apart land for, s. 145.
certain towns excepted, s. 146.
on Native land, s. 32.
licenses, ss. 137, 138.
not to exceed one acre, s. 139.
conditions of license, s. 142.
if unsurveyed, held on sufferance, s. 143.
holder liable for rates, s. 143.
when may be forfeited, s. 181.
when deemed abandoned, s. 185.
compensation for improvements, s. 212.
- Resumption of alienated lands, ss. 50-58.
deemed a public work, s. 51.
application for, and deposit, s. 52.
gardens, &c., not to be resumed without consent, s. 53.
subsequent applications for, s. 54.
assessment of compensation, s. 55.
owner may apply for license in lieu of resumption, s. 56.
agreement with owner for mining purposes, ss. 56, 57.
owner entitled to rents, fees, &c., s. 58.
land available after twenty-eight days' notice, s. 88.
- Reward for discovery of new goldfield, s. 389.
- Roads and streets included in privilege, ss. 204, 205.
- Ropes to be tested, s. 254, (24).
slipping on drums, s. 254, (25).
- Rules for conduct of business in Warden's Court, s. 332.
- Service of summons, s. 333, (14).
of order of Warden's Court, s. 328.
of process on Sunday void, s. 355.
- Shafts to be fenced, s. 254, (7).
abandoned or disused, s. 254, (8).
to be made secure, s. 254, (10).
division of, s. 254, (12).
to be provided with guides, s. 254, (13).
clear view of, for engine-driver, s. 254, (15).
ladders to be provided in, where no machinery, s. 254, (22).
protection to persons descending by rope, s. 254, (29).
- Sharebroker, mine-manager not to act as, s. 395.

Shareholder, rights of, to inspect mine, s. 274.
 Signals to be provided underground, s. 254, (4).
 in shafts, s. 254, (13).
 knowledge of, necessary, s. 254, (14).
 to be clear and distinct, s. 254, (16).
 in alluvial mines, s. 254, (17).
 wilful damage to, s. 254, (39).
 Smoke not to be allowed to escape, s. 254, (38).
 misusing or not using appliances, s. 256.
 Solicitor may appear for party in Warden's Court, s. 333, (5).
 Special cases reserved, s. 336.
 Special-site licenses, ss. 137, 138.
 not to exceed 5 acres, s. 129.
 State forests, mining in, s. 20.
 Statement of claim in Warden's Court, s. 333, (6).
 Streets, where included in mining privileges, ss. 204, 205.
 Sunday employment in mines, ss. 243-247.
 rate of wages for, s. 248, (2).
 Surrender and exchange of mining privileges, ss. 154-157.
 surrender, s. 154.
 surrender and exchange, ss. 155-157.
 Survey, ss. 167-169.
 where land exceeds 20 acres to be surveyed, s. 167.
 when survey not required, ss. 168, 169.
 drainage areas exempt from, s. 169.
 Court may order, s. 320.
 Suspension of mining operations, Court may order, s. 320.
 Tailings, discharge of, into watercourses, ss. 118, 119.
 not to be discharged within 5 chains of bridge, s. 121.
 setting apart watercourses for, ss. 126-136.
 applications, objections, compensation, &c., s. 127.
 compensation, ss. 130-134.
 provisions as to, s. 135.
 Tail-race licenses, ss. 106, 107. See Water.
 Tairua Land Act, application of Act to, s. 62.
 Thames Drainage Board validated, s. 253.
 may be abolished, s. 252.
 Thames Goldfield, special provisions as to flooding, s. 260.
 Timber-cutting rights, ss. 147-152.
 Warden's and Land Boards timber-areas, s. 147.
 application of rents, fees, &c., s. 148.
 separate accounts to be kept, s. 150.
 tramway licenses for timber, s. 151.
 regulations, s. 152.
 Timber lands, mining on, s. 100.
 Town water-supply not to be polluted, s. 120.
 Tramway licenses, s. 153.
 for timber, s. 151.
 Tramways Act not to apply, s. 153, (3).
 Transfer of mining privilege to be registered, s. 172.
 several rights may be transferred in one instrument, s. 177.
 effect of registration, s. 178.
 Treating ores, registration of appliances for, ss. 277-283.
 Tribute agreements, s. 225.
 lien of tributers on earnings of claim, s. 223.
 "Tributer" defined, s. 4.
 Unlawful mining, penalty for, s. 394.
 occupation, removal of persons in, s. 197.
 Valuation of buildings and improvements on sale or lease of Crown land, s. 40.
 where land occupied without title, s. 41.
 Ventilation, s. 254, (1).
 misusing or not using appliances for, s. 256.
 Wages, payment of, at or near mine, s. 213.
 lien for, ss. 214-222. See Lien for wages.
 Wages Protection and Contractors' Liens Act not to apply, s. 222.

Wardens, appointment of, s. 9.
 acting when interested, s. 15.
 protection to, s. 406.
 powers of, where no provision made, ss. 407, 408.
 Wardens' Courts, constitution of, s. 9.
 appointment of Clerk and officers of, s. 10.
 sittings, seal, s. 306.
 jurisdiction of, ss. 307, 310.
 where action commenced in wrong Court, s. 308.
 decisions given outside district, s. 309.
 recovery of fines, s. 310.
 Assessors roll, ss. 311-313.
 parties, proceedings, and mode of trial, ss. 314-319.
 minors over fourteen may sue and be sued, s. 314.
 mode of commencing action, s. 315.
 trial with Assessors, ss. 316-318.
 procedure, mode of trial, costs, s. 319.
 powers of Court, ss. 320-332.
 in encroachment suits, ss. 321, 322.
 general powers of, s. 323.
 additional powers of, s. 329.
 enforcement of orders, ss. 324, 330.
 contempt of Court, s. 331.
 rules for conduct of business, s. 332.
 practice and procedure in, s. 333.
 Governor may make additional rules, s. 333, (36).
 rehearings, s. 334.
 Wardens' Courts, special cases reserved, s. 335.
 appeals, ss. 336-346. See Appeals.
 Warrants of Wardens' Court, by whom may be served, s. 325.
 Water, mining privileges in respect of, ss. 104-121.
 classes of licenses, s. 104.
 water-race licenses, s. 105.
 tail-race licenses, ss. 106, 107.
 dam licenses, s. 108.
 drainage-area licenses, s. 109.
 right to occupy site of race or dam, s. 110.
 application for license, objections, compensation, &c., ss. 111, 112.
 how compensation determined, s. 113.
 conditions of licenses, s. 115.
 use of surplus water, s. 115.
 fixed quantity to be reserved for public use, s. 116.
 licenses for other purposes, s. 117.
 discharge of tailings, &c., into watercourse, ss. 118, 119.
 water-supply of town not to be polluted, s. 120.
 water-race licenses under former Acts, s. 122.
 water-races belonging to local authorities, s. 123.
 certain races, &c., may be vested in local authority, s. 124.
 water-races vested in local authorities may be re-vested in Crown, s. 125.
 Water-race licenses, s. 105. See Water.
 when deemed abandoned, ss. 187, 188.
 "Westland and Nelson Coalfields Administration Act, 1877," how affected, ss. 44-46.
 Witnesses in Wardens' Courts, s. 333, (13).
 at a distance, s. 351.
 Workmen employed on mining privileges, ss. 213-224.
 right to gold, &c., found by, s. 224.
 females and boys under fourteen not to be employed, s. 241.
 employment of youths under eighteen, s. 242.
 employment on Sunday, ss. 243-247.
 to give notice of defects, s. 262.
 may appoint representatives to inspect mine, s. 264.
 Workmen's homes, residence-sites for, s. 144.

New Zealand.



MINING.

1908, No. 120.

AN ACT to consolidate certain Enactments of the General Assembly relating to Mines and Mining.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) The Short Title of this Act is “The Mining Act, 1908.”

Short Title.

(2.) This Act is a consolidation of the enactments mentioned in the First Schedule hereto, and with respect to those enactments the following provisions shall, without limiting the various specific saving provisions of this Act, apply:—

Enactments consolidated.

(a.) All districts, Courts, offices, appointments, Proclamations, Orders in Council, orders, regulations, registers, registrations, records, warrants, licenses, leases, certificates, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

Savings.

(b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

(3.) This Act is divided into Parts, as follows:—

PART I.—Preliminary. (Sections 2 to 7.)

PART II.—Districts and Appointments. (Sections 8 to 15.)

PART III.—Lands subject to this Act, and Lands exempted therefrom. (Sections 16 to 62.)

Act divided into Parts.

1905, No. 39, sec. 2

- PART IV.—Mining Privileges. (Sections 63 to 225.)
 PART V.—Working, Regulation, and Inspection of Mines.
 (Sections 226 to 276.)
 PART VI.—Registration of Appliances and Processes for Treat-
 ing Ores and Metals. (Sections 277 to 283.)
 PART VII.—Compensation by the Crown. (Sections 284 to 294.)
 PART VIII.—Mining Partnerships. (Sections 295 to 305.)
 PART IX.—Administration of Justice. (Sections 306 to 355.)
 PART X.—Advances to Companies and Persons for Develop-
 ment of Mining. (Sections 356 to 363.)
 PART XI.—Gold-dealers. (Sections 364 to 383.)
 PART XII.—Miscellaneous Provisions. (Sections 384 to 410.)

PART I.

PRELIMINARY.

Act not to apply to
 coal or coal-mining.
 1905, No. 39, sec. 3
 Application to
 diamonds and other
 precious stones.
 Ibid, sec. 4

Interpretation.
 Ibid, sec. 5

2. Except where hereinafter otherwise specially provided, nothing in this Act shall apply to coal or to mining or searching for coal.

3. The Governor, by Order in Council gazetted, may from time to time declare that any of the provisions of this Act shall apply to mining for diamonds and any other specified precious stones, and may also from time to time define the districts wherein any such Order in Council shall take effect.

4. In this Act, if not inconsistent with the context,—

“Act,” as a statutory enactment, includes all regulations made thereunder :

“Claim ” means a parcel of land lawfully taken up and occupied under this Act or any former Mining Act for the purpose of mining for gold thereon ; but does not include land taken up, used, or enjoyed for the purpose of facilitating mining operations on a claim :

“Clerk ” means Clerk of the Warden’s Court :

“Crown lands ” means all lands whatsoever the title whereto in fee-simple is vested in His Majesty, whether by virtue of his prerogative or by operation of law, or by any deed or instrument, whether such lands are unalienated or are alienated by way of lease or license for depasturing purposes, or as a small grazing-run, under any Act providing for the disposition of lands of the Crown ; and includes Native ceded lands, and all other lands whatsoever over which His Majesty, or the Governor or the Minister on his behalf, by cession, agreement, or otherwise, possesses the right to authorise the carrying-on of mining operations ; but, except where otherwise specially provided, does not include—

(a.) Lands held by His Majesty on any trust, express or implied, in favour of any person ; nor

(b.) Lands held by His Majesty but dedicated to any public purpose ; nor

(c.) Public reserves and endowments within the meaning of this Act :

- “Dam” includes any natural as well as any artificial depository of water :
- “District” and “mining district” mean a mining district constituted under this Act :
- “Endowment” means any land set apart under any Act by way of endowment for any public body or local authority, in whomsoever the fee-simple of such land is vested :
- “Former Mining Act” means any Mining Act in force at any time prior to the coming into operation of this Act :
- “Gold” includes any substance containing gold or silver, or having gold or silver mixed therein, or set apart for the purpose of extracting gold or silver therefrom :
- “Inspector of Mines” or “Inspector” means an Inspector of Mines appointed under this Act, and includes an Assistant Inspector :
- “Land” includes water :
- “Local authority” means a Borough or County Council, a Town or Road Board, or a Harbour Board :
- “Machinery” includes all mechanical appliances of whatsoever kind used for any mining purpose :
- “Metal” includes gold :
- “Mine,” as a noun, includes every parcel of land in, on, or under which any mining operations are carried on, whether such mine is occupied under any title or not; and includes also all machinery used in such operations :
- “Mine,” as a verb, includes any mode or method of working a mine :
- “Mine-manager” means the person having the actual control and working of any mine :
- “Mineral” means any metal or mineral other than precious metals, precious stones, and coal; and includes petroleum and other mineral oils :
- “Miner’s right” includes also a consolidated miner’s right :
- “Mining” means mining operations, and includes prospecting :
- “Mining Act” means any Act relating to mining for gold or any other metal or mineral :
- “Mining operations” and “mining purposes” mean mining for gold or any other metal or mineral; and include—
- (a.) The stacking, storing, and treatment of any substance supposed to contain gold or any other metal or mineral;
- (b.) The erection, maintenance, and use of machinery, and the construction or use of races, dams, channels, batteries, dredges, buildings, and other works connected with any such operations or purposes;
- (c.) The deposit or discharge of tailings, *debris*, refuse, and waste water produced from or consequent on any such operations or purposes;
- (d.) The lawful use of land, watercourses, and water, and the doing of all lawful acts incident or conducive to any such operations or purposes :

- “Mining privilege” means any license, right, title, or privilege relating to mining lawfully granted or acquired under this Act or any former Mining Act, and includes the specific parcel of land in respect whereof such license, right, title, or privilege is so granted or acquired; it also includes a timber-cutting right, a water-right not relating to mining, and also a business license, or a business, residence, or special site, but not an agricultural lease nor an occupation license:
- “Mining Registrar” or “Registrar” means a Mining Registrar appointed under this Act:
- “Minister” means the Minister of Mines:
- “Native” means an aboriginal Native of New Zealand, and includes half-castes and their descendants:
- “Native ceded land” means Native land over which his Majesty, or the Governor or the Minister on his behalf, by cession, agreement, or otherwise, possesses the right to authorise the carrying-on of mining operations:
- “Native land” means land owned by Natives and acquired otherwise than by purchase from the Crown or from any person (other than a Native) deriving title from the Crown, whether the title to such Native land has or has not been ascertained by the Native Land Court or other duly constituted authority:
- “Native reserves” includes all lands set aside for the use, support, or education of Natives, whether out of Crown lands or on or in connection with the sale by Natives of lands to the Crown:
- “Occupier” of land includes every person in actual occupation of land under any lawful title granted by or derived from the owner of the fee-simple thereof:
- “Owner,” for the purposes of Part V of this Act, relating to the working, regulation, and inspection of mines, means the immediate proprietor, or lessee, or licensee, or occupier of any mine or any part thereof; and, in the case of an incorporated or registered company, includes the mine-manager of such company, and in any other case includes the mine-manager of any mine; but “owner” does not include a person who merely receives a royalty, rent, tribute, or fine from a mine, or is merely the proprietor of a mine which is being worked by another person pursuant to any lease, grant, or license for the working thereof: Any contractor or tributer for the working of any mine or any part thereof, or for doing any specific work therein, shall be subject to this Act in like manner as if he were an owner, but so nevertheless as not to exempt the owner from any liability:
- “Person” includes mining partnerships, local authorities, and incorporated or registered companies:
- “Prescribed” means prescribed by this Act or by any regulations made thereunder:
- “Private lands” means lands owned in fee-simple under title from His Majesty, and includes land held under license or lease from His Majesty with the right of acquiring the fee-simple thereof:

- “Public reserve” means any land set apart for any of the purposes mentioned in the Second Schedule to “The Public Reserves and Domains Act, 1908,” whether or not the same is vested in His Majesty or is vested in or under the control of trustees as hereinafter defined; and includes any land set apart under this Act or any former Mining Act as a public reserve, but does not include such Crown lands within hundreds or elsewhere as are declared to be commonage lands :
- “Race” means any artificial channel or ditch for the conveyance of water or water and refuse, or into which water or water and refuse may be diverted or conveyed, for any purpose authorised by this Act, and includes the right to the water named in the grant of such race :
- “Receiver” means a Receiver of Gold Revenue appointed under this Act :
- “Sea” extends to low-water mark on the shore of such sea :
- “Sluice-head” means a stream of water capable of discharging sixty cubic feet of water per minute :
- “Stream” includes creek, river, and every tributary thereof, whether water flows therein permanently or not :
- “Transfer” of a mining privilege includes sale, lease, transmission, mortgage, lien, incumbrance, or other disposition thereof or of any part thereof :
- “Transmission” of a mining privilege means the acquisition of title to a mining privilege by death, will, intestacy, bankruptcy, or marriage, or by appointment or succession to any office, or as trustee :
- “Tributor” means any person who, pursuant to an agreement with the holder of any mine, has the right to mine therein upon the terms of paying to such holder a percentage or portion of the earnings or proceeds of such mine :
- “Trustees,” in relation to a public reserve or endowment, or Native reserve, means the persons in whom such reserve or endowment is vested, or under whose control it is ; and, in respect to reserves or endowments vested in His Majesty, means the Governor :
- “Unalienated Crown land” includes all Crown lands comprised in any mining privilege under this Act or any former Mining Act, or held under any lease or license for depasturing purposes or any occupation license :
- “Warden” means any person appointed to be a Warden under this Act :
- “Watercourse” means and includes any stream, pool, lake, or other natural channel or depository of water, whether containing water or not, and includes the water therein and the tributaries thereof :
- “Workman” includes every person employed in working for wages, or on contract, on or in connection with any mining privilege other than a business-site or residence-site :
- Words in this Act referring to a particular Court, office, or Warden or other officer shall be construed as referring to the Court or office in the district, or to the Warden or other officer having

jurisdiction or exercising his functions within the district, wherein arose the matter in relation to which the reference is made; or, if such matter did not arise within a district, then to the Court or office in, or to the Warden or other officer having jurisdiction or exercising his functions within, the nearest district.

Matters arising under repealed Acts to be determined thereunder.
1905, No. 39, sec. 6

5. (1.) All questions arising in relation to any Mining Act repealed by "The Mining Act, 1898," or in relation to any right, title, interest, or privileges acquired or any liability incurred thereunder respectively, shall, unless where otherwise is specially provided, be determined under such Act, notwithstanding the repeal thereof, and every such Act shall, for the purposes of this section, and of continuing and perfecting any matter or thing commenced or in progress thereunder, be deemed to be unrepealed.

(2.) All mining privileges granted or acquired or deemed to be granted or acquired under "The Mining Act, 1905," and subsisting on the coming into operation of this Act, shall be deemed to be granted or acquired under this Act, and consequently the provisions of section one hundred and fifty-five hereof, relating to surrender and exchange, shall not apply to such mining privileges.

Proclamations, &c., to continue in force.
Ibid, sec. 7

6. All Orders in Council, Proclamations, appointments, awards, orders, rules, and regulations which, having been made under any former Mining Act, are in force on the coming into operation of this Act shall, save in so far as they are inconsistent with this Act, continue in force until altered or revoked under this Act.

Proclamations, &c., may be applied partially or generally.
Ibid, sec. 8

7. Every Proclamation, Order in Council, order, rule, regulation, or *Gazette* notice made under this Act by the Governor or the Minister may be made from time to time, and so as to apply in any manner, partially or generally, in relation to matter, person, time, or place; and may from time to time in a similar manner be altered, revoked, or cancelled.

PART II.

DISTRICTS AND APPOINTMENTS.

Governor may constitute districts, alter their boundaries, or withdraw Crown lands therefrom.
Ibid, sec. 9

8. The Governor may from time to time, as he thinks fit, by Proclamation—

(a.) Constitute and appoint any portion of New Zealand to be a mining district, and assign a name and boundaries to such district; and also

(b.) Alter the name or boundaries of any mining district, or abolish any mining district; and also

(c.) Withdraw any Crown lands from any mining district:

Provided that such alteration, abolition, or withdrawal shall not affect any mining privilege or other right, title, or interest lawfully acquired and existing within the area to which such alteration, abolition, or withdrawal relates at the time when the Proclamation effecting the same is made.

Constitution of Wardens' Courts and appointment of Wardens.
Ibid, sec. 10

9. The Governor may from time to time, as he thinks fit, by Order in Council—

- (a.) Constitute and appoint in and for any one or more districts or portions thereof such Wardens' Courts as he deems necessary ; and also
- (b.) Abolish any such Court ; and also
- (c.) Appoint fit persons to be Wardens, each of whom shall hold office during the Governor's pleasure, and for the purposes of this Act shall have jurisdiction throughout New Zealand, but shall exercise his jurisdiction and perform his duties and functions in such districts or localities as the Minister from time to time directs :

Provided that the fact of any Warden exercising jurisdiction or performing any duty or function in any Court, district, or locality shall be conclusive evidence of his authority so to do.

10. (1.) The Governor may from time to time, in such manner and on such terms as he thinks fit, appoint for any one or more districts or portions thereof such fit persons to be Mining Registrars, Receivers of Gold Revenue, Clerks, bailiffs, assistant clerks, assistant bailiffs, and other officers of Wardens' Courts therein as he deems necessary, all of whom shall hold office during the Governor's pleasure.

Appointment of Mining Registrars, Receivers of Gold Revenue, Clerks, and bailiffs.
1905, No. 39, sec. 11

(2.) If and as often as any such officer is incapacitated by illness, absence, or other sufficient cause from performing his duties, the Warden may appoint a fit person to act as deputy, who, whilst so acting, shall have all the functions and duties of the officer for whom he is the deputy.

Deputies thereof.

(3.) An entry of every such appointment shall be made by the Warden in the minute-book of the Court.

11. The Governor may from time to time, in such manner and on such terms as he thinks fit,—

- (a.) Appoint fit persons to be Inspectors of Mines ; and also
- (b.) Appoint any Receiver of Land Revenue to be at the same time Receiver of Gold Revenue ; and also
- (c.) Appoint post-offices at which miners' rights may be issued by, and rents, royalties, fees, and other moneys receivable under this Act may be paid to, the Postmaster or chief officer in charge of any such post-office :

Appointment of Inspectors of Mines and post-offices for payments.
Ibid, sec. 12

and may also prescribe the mining districts or portions thereof in and for which each such appointment is made.

12. All mining districts and Wardens' Courts which, having been constituted under any former Mining Act, are in existence on the coming into operation of this Act shall be deemed to be constituted under this Act.

Existing districts and Courts continued.
Ibid, sec. 13

13. Every person who, having been appointed to any office under any former Mining Act, holds that office on the coming into operation of this Act shall be deemed to be duly appointed to the same office under this Act.

Persons continued in office.
Ibid, sec. 14

14. (1.) It shall not be lawful for any person appointed or employed by or under the Crown in any capacity in the administration of this Act to hold, directly or indirectly, any pecuniary interest whatever in any mining privilege in the district in which he performs his duties :

Officers not to have personal interest.
Ibid, sec. 15

Provided that this section shall not apply to surveyors, or to Postmasters or officers in charge of post-offices.

(2.) It shall not be lawful for any officer of a Warden's Court to knowingly do anything in any way connected with the administration of this Act otherwise than in the exercise of his functions and duties as such officer.

(3.) Every person who commits any breach of any of the provisions of this section is liable to a fine not exceeding one hundred pounds.

Penalty on Warden
for acting if
interested.
1905, No. 33, sec. 16

15. If any Warden knowingly adjudicates on any matter wherein he has, directly or indirectly, any pecuniary interest, then, in addition to any other penalty to which he thereby exposes himself, he is liable on conviction upon indictment in any Court of competent jurisdiction to imprisonment with or without hard labour for any term not exceeding two years, or to a fine not exceeding two hundred pounds.

PART III.

LANDS SUBJECT TO THIS ACT, AND LANDS EXEMPTED THEREFROM.

Mining on Crown Lands.

Crown lands in
mining districts
open for mining.
Ibid, sec. 17

16. Subject to the limitations and provisions hereinafter contained, all Crown lands within any mining district are hereby declared to be open for mining under the provisions of this Act.

Leased lands in
mining districts
deemed Crown
lands.
Ibid, sec. 18

17. (1.) The land comprised in any lease in perpetuity, or other lease or license, granted on or at any time after the sixth day of October, one thousand eight hundred and ninety-three, under "The Land Act, 1892," or any Act passed in amendment thereof or in substitution therefor, whether as an original lease or license, or in exchange for a pastoral or other lease or license of any kind, or for a small grazing-run, and also the land comprised in any renewable lease granted or deemed to be granted under "The Land Act, 1908," shall, if such land is situate in a mining district at the time of such grant, be deemed to be Crown lands within the meaning of this Act, anything in "The Land Act, 1908," or any other Act to the contrary notwithstanding.

Land-for-settle-
ments lands
deemed Crown
lands.

(2.) All lands acquired or deemed to be acquired under "The Land for Settlements Act, 1908," are hereby declared to be Crown lands within the meaning of this Act:

Provided that all rents, royalties, and other fees payable in respect of mining privileges on such lands shall not be deemed to be goldfields revenue, but shall be paid into the Land for Settlements Account.

Crown lands may be
set apart for mining
or exempted
therefrom.
Ibid, sec. 19

18. (1.) The Governor may from time to time, by notice in the *Gazette*,—

- (a.) Set apart for mining purposes exclusively, or for any specified mining purpose exclusively, any unoccupied Crown lands within a mining district or outside thereof; and also
- (b.) Exempt any Crown lands from mining, or from any specified mining purpose, or from this Act or any specified provisions of this Act.

(2.) The lands to which any such *Gazette* notice relates shall be specified therein by words of particular description.

(3.) So long as any such lands are set apart for mining purposes exclusively, or for any specified mining purpose exclusively, pursuant

to any such *Gazette* notice, they shall not be available for any other purposes.

(4.) So long as any such lands are exempted from mining, or from any specified mining purpose, or from this Act or any specified provisions of this Act, pursuant to any such *Gazette* notice, they shall, to the extent of such exemption, cease to be subject to the operation of this Act.

19. (1.) The Warden may from time to time, in the prescribed manner, and until the assent of the Governor is ascertained,—

Warden may temporarily reserve or exempt lands.
1905, No. 39, sec. 20

(a.) Reserve for any public use or purpose any unoccupied Crown lands within his district ; and also

(b.) Exempt from mining or from any specified mining purpose any Crown lands within his district.

(2.) So long as any such reservation continues in force the lands thereby reserved shall be deemed to be public reserves within the meaning of this Act.

(3.) So long as any such exemption continues in force the provisions of subsection four of the last preceding section shall apply to the exempted lands.

20. Notwithstanding anything in “The State Forests Act, 1908,” all Crown lands set apart thereunder for forest lands shall nevertheless be subject to the provisions of this Act relating to mining on Crown lands :

State forests subject to Act.
Ibid, sec. 21

Provided that nothing in this section shall be construed to authorise the felling or removing of any timber upon or from such forest lands within a mining district for other than mining purposes except under the provisions of the Act first aforesaid.

Saving as to timber.

Public Reserves, Endowments, and Native Reserves.

21. The Governor may from time to time, by notice in the *Gazette*, set apart any unoccupied Crown lands in a mining district as a public reserve for any specified public use or purpose, subject to such conditions and regulations as he thinks fit to prescribe.

Public reserves may be made in mining district.
Ibid, sec. 22

22. Subject to the provisions hereinafter contained, all public reserves and all endowments and Native reserves are hereby declared to be exempt from the operation of this Act :

Reserves and endowments exempt from Act.
Ibid, sec. 23

Provided that all public reserves, endowments, and Native reserves which on the coming into operation of this Act were within the operation of any former Mining Act shall to the same extent be subject to the operation of this Act.

23. With respect to the lands comprised in any public reserve or endowment, or Native reserve, and situate within any mining district, the following provisions shall apply :—

Public reserves, endowments, or Native reserves may be brought under Act.
Ibid, sec. 24

(a.) The Governor may from time to time, by notice in the *Gazette*, bring such lands or any specified portion thereof within the operations of this Act or of any specified provisions of this Act.

(b.) So long as such *Gazette* notice continues in force the provisions specified therein shall, according to the tenor thereof, apply to the land comprised therein as fully as if such lands were Crown lands open for mining, subject nevertheless to such conditions, modifications, and restrictions (if any) as the Governor by regulations or otherwise thinks fit to prescribe.

- (c.) All fees, rents, royalties, and other moneys received under this Act in respect of such lands shall be paid into the Public Account, and such portion thereof as would be payable to local authorities as goldfields revenue, if the lands were Crown lands open for mining, shall be payable to the trustees or, in the case of Native reserves not vested in trustees, to the Native owners who for the time being are entitled to receive the revenue derived from such lands.
- (d.) The portion so payable shall, where necessary, be determined by the Minister, whose decision shall be final.
- (e.) The powers by this section conferred upon the Governor may, in the case of Native reserves, be exercised by him in respect to specified Native reserves only, or to specified classes of Native reserves, or to all Native reserves generally, as he thinks fit, and subject in every case to such conditions and restrictions as he from time to time prescribes by regulations or otherwise.

24. Nothing in the last preceding section—

- (a.) Shall empower any person to interfere in any way whatsoever with any works already constructed, or that may be hereafter constructed, upon any public reserve or endowment or Native reserve by the trustees thereof, or, in the case of Native reserves not vested in trustees, by the Native owners thereof, or by any person with the previous consent of such trustees or owners; nor
- (b.) Shall detrimentally affect any rights in respect to mining heretofore granted by the Warden upon any such reserve or endowment, all which rights, in so far as they exist on the coming into operation of this Act, and are not in any way injurious to any such works as aforesaid, and are exercised in accordance with regulations under this Act, shall be deemed to have been granted under this Act; nor
- (c.) Shall detrimentally affect the title of the trustees of such reserve or endowment, or any power or authority in respect thereof, so far as the same does not conflict with any of the provisions of this Act within whose operation such reserve or endowment is brought; nor
- (d.) Shall affect any of the provisions of "The Kumara Education Reserve Act, 1879," all of which shall continue in force as if this Act had not been passed.

25. (1.) Notwithstanding any express or implied power contained in or conferred by any Act, it is hereby declared that, except with the previous consent of the Governor, no trustees of any public reserve or endowment shall hereafter have any power to make any disposition thereof, whether by way of sale, mortgage, charge, lease, license, or otherwise, whilst the same is subject to the operation of any of the provisions of this Act.

(2.) Any such disposition heretofore lawfully made may be brought by the Governor under any special regulations made by him under this Act.

26. (1.) Notwithstanding anything in section twenty-two hereof, the Governor may from time to time, by notice in the *Gazette*, declare that any land now or hereafter set apart as a public reserve or endow-

Protection of constructed works and saving of title of trustees.

1905, No. 39, sec. 25

Restriction of special power of alienation.

Ibid, sec. 26

Reserves under Mining Act to be of surface only.

Ibid, sec. 27

ment, or Native reserve, or any specified part thereof, shall be available for mining at a depth below fifty feet from the surface ; and thereupon such lands may be dealt with accordingly under this Act.

(2.) The provisions of paragraphs (b) to (e) of section twenty-three hereof shall, *mutatis mutandis*, extend and apply to all lands specified in such notice.

(3.) The Warden, with the consent of the Minister, may, on application by the holder of any claim, grant the right to use any part of the surface of any such reserve or endowment for the purpose of constructing ventilating-shafts, pumping-shafts, or for other special purposes required for working the claim.

(4.) The provisions of this section shall extend and apply to lands occupied under Part VIII of "The Land Act, 1908," except that in such case it shall not be necessary to publish any notice in the *Gazette* as required by subsection one hereof.

Mining under land occupied under Part VIII of Land Act.
1905, No. 55, sec. 28
Occupied Crown lands may be reserved with consent of occupier.
1905, No. 39, sec. 28

27. (1.) Any Crown lands now or hereafter lawfully held or occupied under this Act or any former Mining Act by any person may, with the consent in writing of such person, be set apart as a reserve for any public use or purpose.

(2.) Such reservation may, in accordance with the tenor of the consent, be of the whole of the land, or of the surface and any specified depth from the surface.

(3.) Every such consent shall be registered in the office of the Warden.

Native Lands.

28. (1.) On the investigation of the title to or on the partition of any block of Native land, or at any time after such investigation or partition (whether made before or after the coming into operation of this Act), the Native Land Court may, on application by or on behalf of the Governor, and with the written or verbal consent of a majority of the Native owners, by order declare the whole or any portion of such land—

Native Land Court may declare Native land open for prospecting or ceded for mining purposes.
Ibid, sec. 29

(a.) To be open for prospecting, in which case such land shall be open for prospecting under the provisions of this Act without the consent of the owners or occupiers ; or

(b.) To be ceded to His Majesty for mining purposes on such conditions as are specified in the order as having been agreed upon between the Governor and a majority of the Native owners, in which case such land shall be deemed to be Native ceded land.

(2.) Due notice of every such application made after investigation of title or partition of Native land shall be given in the *Kahiti*, and also in such other manner as the rules of the Native Land Court prescribe.

29. Whereas in many cases Natives, when ceding blocks of land to the Crown for mining purposes, have reserved or may reserve therefrom certain areas used or intended to be used by them as sites for residences, cultivations, burial-grounds, or otherwise, and it is expedient that such areas should be available for mining purposes, provided the use for which they were so reserved is not thereby prejudicially affected : Be it therefore enacted that, notwithstanding anything to the contrary in this or any other Act, such areas shall be open for mining purposes in like manner in all respects as if they were Native ceded lands,

Native reserves available for mining purposes in certain cases.
Ibid, sec. 30

and in every such case (but so long only as such reservation continues) the provisions of section one hundred and one hereof shall, *mutatis mutandis*, apply.

Native ceded lands
open for mining.
1905, No. 39, sec. 31

30. All Native ceded lands are hereby declared to be open for mining under the provisions of this Act in the same manner as Crown lands, subject in every case to the special provisions of this Act relating to Native ceded lands, and subject also to the terms and conditions of the particular agreement under which such land was ceded :

Provided that all provisions of this Act which conflict with the terms of any such agreement shall be deemed to be superseded by such agreement so long as such agreement continues in force.

Fees in respect of
Native ceded lands.
Ibid. sec. 32

31. Until the freehold of Native ceded land is acquired by His Majesty all fees, royalties, and rents received under this Act in respect of such lands shall, in the prescribed manner, be payable to the Native owners.

Business and
residence sites on
Native ceded land.
Ibid. sec. 33

32. Notwithstanding anything elsewhere in this Act, the following special provisions shall apply, with respect to business-sites and residence-sites on Native ceded land, in every case where, pursuant to the agreement for cession made with the Native owners, a specified scale of payment is prescribed in respect of such sites :—

(a.) If the scale is higher than the license fees payable under this Act, the scale shall supersede the Act.

(b.) If the license fees payable under this Act are higher than the scale, the license fees shall be payable; and, after allocating to the Native owners so much thereof as is equal to the scale, the surplus shall be payable to the local bodies who would be entitled to the goldfields revenue if the land were other than Native ceded land.

Mining on Native
land without
authority an
offence.
Ibid. sec. 34

33. If any person carries on mining operations—

(a.) On any Native ceded land without being duly authorised under this Act so to do ; or

(b.) On any Native land without being duly authorised under this Act or by the Native owners so to do,—

he commits an offence, and is liable to a fine not exceeding fifty pounds.

Saving of Acts
relating to Native
lands in Auckland
District.
Ibid. sec. 35

34. Nothing in this Act shall be deemed to affect “The Auckland Goldfields Proclamations Validation Act, 1869,” or any of the provisions of the several agreements therein recited ; and that Act, and also “The Ohinemuri Goldfield Agricultural Leases Validation Act, 1876 ” (excepting sections six, seven, and eight thereof), shall continue in full force as if this Act had not been passed, subject, however, to the following provisions, that is to say :—

(a.) All rents arising in respect of land described in the first four Schedules of “The Auckland Goldfields Proclamations Validation Act, 1869,” and occupied under licenses or leases issued under any Act for the time being in force authorising the same, shall, for the purposes of the said agreements and until the freehold of such land is acquired by the Crown, be deemed to be money arising from miners’ rights.

(b.) Any person who, on or before the first day of January, one thousand eight hundred and ninety-two, was the lawful holder of an agricultural lease under “The Ohinemuri Gold-

field Agricultural Leases Validation Act, 1876," of any land within the Ohinemuri Block may, at any time whilst he continues to hold the same, purchase without competition the freehold of the land comprised therein at the same price as the upset price at which Crown lands of the same class in the same district would be open for sale :

Provided nevertheless as follows, that is to say :—

(i.) That at the time of application for the purchase of such land the freehold thereof has been acquired by the Crown ; and also

(ii.) That the Warden, after investigation, reports to the Minister that the land is not auriferous or argentiferous, and is not required for mining purposes ; and also

(iii.) That there shall be excluded from such purchase all land situate within sixty-six feet of the bank of any water-course in the said block.

35. The rights acquired by the Governor on behalf of the Crown under the deed of cession of the Ohinemuri Block, dated the eighteenth day of February, one thousand eight hundred and seventy-five, as published in the Auckland Provincial Government *Gazette* of the eighth day of July, one thousand eight hundred and seventy-five, shall not abate or be prejudicially affected by reason of the extinguishment of the Native title to or the issue of a Crown grant or other instrument of title for the land comprised therein or any portion thereof ; and the said deed of cession shall from the date thereof be deemed to have been and to be valid and binding on all persons whomsoever according to the true intent and meaning of the same.

Rights under Ohinemuri deed of cession not to abate on extinguishment of Native title.
1905, No. 39, sec. 36

36. All mining rights which, on and after the first day of January, one thousand eight hundred and ninety, have been acquired, or which at any time hereafter may be acquired, by or on behalf of His Majesty in respect of any Native land shall enure to His Majesty and remain unaffected notwithstanding the extinguishment of the Native title to or the issue of a Crown grant or other instrument of title for such lands or any portion thereof at any time subsequent to the acquisition of such rights.

Mining rights over Native lands when Native title extinguished.
Ibid, sec. 37

Sale and Occupation of Crown Lands.

37. Subject to the provisions of this Act, no Crown lands within any mining district shall be sold, leased, or otherwise disposed of under any provisions of any Act for the time being in force in such district regulating the sale, lease, occupation, or disposal of lands of the Crown, except in so far as such last-mentioned provisions specially authorise the sale, lease, occupation, or disposal of Crown lands within a mining district, or relate to—

Land Act not to apply except in certain cases.
Ibid, sec. 38

(a.) The making of reserves : or to

(b.) The exchange of agricultural leases under any former Mining Act for leases or licenses under "The Land Act, 1908" : or to

(c.) The occupation of land held under any lease or license granted before the first day of February, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Mining Act, 1898"), in the case of a mining district existing at the time of such coming into operation, and in any

other case before the issue of the Proclamation constituting the mining district : or to

(d.) Land reserved for any public use or purpose : or to

(e.) The issue of leases or licenses for any of the following purposes :—

Depasturing ;

Removal of clay for bricks or pottery ;

Removal of sand, gravel, or stone ;

Working of quarries ;

Sites for ferries, sawmills, flour-mills, tanneries, fell-mongers' yards, slaughter-yards, potteries, brick or lime kilns ; and

Cutting, growing, or dressing flax :

Provided that in no case shall the Land Board or Commissioner of Crown Lands dispose in any way of any Crown lands in a mining district without first referring the proposed disposition to the Warden and receiving his report thereon, nor grant any mining or mineral lease or prospecting license in any mining district :

Provided also that nothing in this Act shall affect the provisions of Part VIII of "The Land Act, 1908."

Special regulations
in such cases.

1905, No. 39, sec. 39

Lands may be
declared open for
sale.

Ibid, sec. 40

38. The Governor may from time to time make regulations under this Act or "The Land Act, 1908," for all or any of the purposes mentioned in the last preceding section.

39. (1.) The Governor may from time to time, by *Gazette* notice, declare any unalienated Crown lands within any district to be open for sale or lease, on such dates and in areas of such size and form as he determines :

Provided that all lands within sixty-six feet from the bank and along the entire course of any watercourse shall be and be deemed to be excluded from any such sale or lease :

Provided also that before acting under this section the Governor shall in each case refer the matter to the Warden for his report.

(2.) The lands so open for sale or lease may be disposed of at the same price and subject to the same terms and conditions, or as near thereto as may be, as in the case of Crown lands of the same class not within a district ; and it shall not be necessary to withdraw lands from the district for the purposes of this section.

Valuation for
buildings and
improvements.
Ibid, sec. 41

40. In any case where land is about to be sold or leased as aforesaid, and there exist thereon buildings or other *bona fide* improvements erected or made by any person in lawful occupation of such land under miner's right or business license, or license for a business, residence, or special site, he shall be entitled to valuation for such buildings and improvements in the manner and to the extent following, that is to say :—

(a.) The amount of such valuation shall be ascertained in the prescribed manner, and shall be added to the upset price of the land without such buildings or improvements ; and the land shall be put up for sale or lease weighted with such amount accordingly.

(b.) Such person shall be entitled to deduct the amount of such valuation from his purchase-money, if he is the highest bidder for and becomes the purchaser of the land, or to receive such amount from the purchase-money of any other person who is such highest bidder and purchaser.

(c.) No right to valuation shall exist if, at the time when the buildings were erected or the improvements were made, the land was subject to or was reserved for survey or sale, and in no case shall any right to valuation exist as against the Crown.

(d.) Upon the purchase being completed and the amount of the valuation (if any) being duly paid or accounted for to the person in occupation as aforesaid, his right to occupy under such miner's right or business license, or license for a business, residence, or special site, shall cease and determine, and the purchaser shall be entitled to possession of the land under the title acquired by his purchase.

41. The Governor in his discretion, and with such modifications as he thinks fit, may extend the provisions of the last preceding section to cases where, before the coming into operation of "The Mining Act, 1898," buildings or other improvements have been erected or made on unalienated Crown lands by persons in occupation thereof without title.

Extension to persons in occupation without title.
1905, No. 39, sec. 42

42. (1.) No Crown grant or conveyance, nor any license for a mining privilege, shall have the effect of revoking or injuriously affecting any mining privilege or easement or tenement lawfully acquired and held under this Act or any former Mining Act, whether any reservation or exception thereof is contained in such grant, conveyance, or license or not.

Rights acquired protected, whether reserved in Crown grant or not.
Ibid. sec. 43

(2.) Every such grant, conveyance, or license shall be construed as if it contained an express reservation of the right to hold, occupy, and use such mining privilege or easement or tenement, with all necessary and reasonable means of access to work, cleanse, repair, and efficiently use the same.

(3.) The provisions of this section shall be deemed to be and to have been in force within every goldfield proclaimed under "The Goldfields Act, 1866," and gold-mining district constituted under "The Gold Mining Districts Act, 1873," from the date of the original Proclamation of such goldfield or constitution of such district; and every such grant, conveyance, or license issued or to be issued in respect of land within any such district shall be construed accordingly.

43. The Warden, under regulations to be made in that behalf, and with the consent in writing of the Minister, may from time to time grant to any person a lease of the surface of any section in any township within a mining district, for any term not exceeding twenty-one years, at such rent and under such restrictions as may be prescribed by such regulations; and with respect to every such lease, whether granted under this Act or in renewal of any lease heretofore granted by the Governor under the corresponding provisions of any former Mining or Land Act, the following provisions shall apply:—

Leases in mining townships.
Ibid. sec. 44

(a.) Such lease shall entitle the lessee to all the rights and privileges enjoyed by holders of business-site licenses under this Act.

(b.) If at any time during the currency or at the termination of any such lease the land comprised therein is proved to the satisfaction of the Governor to be neither auriferous nor argentiferous, nor to be required for any mining purpose, such land may be sold by public auction, subject to valuation for building and improvements, in the manner and to the extent provided for in section forty hereof.

- (c.) At the end of the lease, unless the land is proved to be auriferous or argentiferous, the lessee shall be entitled to a renewal of the lease for a further period of twenty-one years, at such rent and under such terms and restrictions as may be prescribed by regulations to be made in that behalf.
- (d.) The rents arising from all such leases shall be goldfields revenue, and payable to the Receiver of Gold Revenue of the district in which the land is situated.

Provisions as to
lands in West Coast
coalfields.
1905, No. 39, sec. 45

44. With respect to the lands comprised in the First, Second, and Third Schedules to "The Westland and Nelson Coalfields Administration Act, 1877," the following provisions shall apply:—

- (a.) All the powers and functions by section eight of that Act conferred on the Minister of Lands, or the Land Board, or the Commissioner of Crown Lands for the disposal of such lands are hereby transferred to and shall be exercised by the Minister and the Warden respectively.
- (b.) Such lands are hereby declared to be subject to the provisions of this Act in the same manner as Crown lands within a mining district and open for mining:

Provided that every application for any mining privilege shall be referred either to the Greymouth Harbour Board or, as the case may be, the Westport Harbour Board, whichever is entitled to receive the rents and profits of the land to which the application relates, for the report of such Board thereon, and that all rents, royalties, and license fees received in respect of any such mining privilege shall be paid over to such Board.

- (c.) With the consent of the Minister, the Warden shall have all the powers of a Land Board to grant licenses in respect of such lands for all or any of the purposes mentioned in section three hundred and seven of "The Land Act, 1908," excepting the power to grant licenses for sites for inns and accommodation-houses.
- (d.) The Governor may from time to time make regulations prescribing the mode of granting such licenses, the forms thereof, and whatever else he deems necessary in order to give full effect to this section.
- (e.) Nothing in this section shall affect the provisions of section four of "The Coal-mines Act, 1908."

Mining townships
and suburban
sections may be laid
off.

Ibid. sec. 46

45. (1.) With the approval of the Minister the Warden may cause any unalienated Crown land in a district to be surveyed into townships and laid off in sections not exceeding one-quarter of an acre each; and also may cause Crown lands adjoining or in the neighbourhood of such townships to be laid off in suburban sections not exceeding five acres each; and, with respect to the lands so laid off, the following provisions shall apply:—

- (a.) They shall be offered by public auction on lease for the term of not more than ninety-nine years at an upset rental to be fixed by the Warden.
- (b.) The auction shall be conducted by such person and at such time and place as with the approval of the Minister the Warden directs.

Term of leases.

- (c.) The lease shall entitle the lessee to the surface only of the ground, and shall not confer on him any right to prevent mining operations being carried on by other persons beneath the surface, subject to provisions to insure the safety of buildings and erections and to prevent injury to the surface.
- (d.) No fine, premium, or foregift shall be taken in respect of any lease.
- (e.) The provisions of section forty hereof relating to valuation and possession shall, *mutatis mutandis*, apply.
- (f.) The rent of all such leases shall be goldfields revenue, and shall be payable to the Receiver accordingly.

(2.) With the consent of the Greymouth Harbour Board or, as the case may be, the Westport Harbour Board, whichever is entitled to receive the rents and profits of the lands, the provisions of this section shall apply to the lands comprised in the First, Second, and Third Schedules to "The Westland and Nelson Coalfields Administration Act, 1877":

Provided that the upst rental of the leases shall be fixed on the recommendation of the Harbour Board concerned, and also that all revenue derived from the disposal of such lands under this subsection shall be paid over to the Harbour Board concerned.

(3.) The Governor may from time to time make regulations prescribing the mode of laying off townships and sections, and of leasing such sections, the forms, terms, and conditions of such leases, and whatever else he deems necessary in order to give full effect to this section.

46. Nothing in either of the two last preceding sections shall affect "The Westland and Nelson Coalfields Administration Act, 1877," otherwise than is by those sections expressly provided.

"The Westland and Nelson Coalfields Administration Act, 1877," not affected.
1905, No. 39, sec. 47

Illegal Occupation of Crown Lands.

47. For the purposes of "The Rating Act, 1908," but for no other purpose, every person who is in the illegal occupation of any Crown lands within a mining district shall be deemed to be an "occupier" within the meaning of that Act, and shall be liable to pay rates in respect of the land illegally occupied by him in the same manner as if he were in lawful occupation thereof:

Persons in illegal occupation may be rated as occupiers.
Ibid, sec. 48

Provided that nothing in this section shall be construed to give any validity to such illegal occupation.

48. In any case where, without the consent of the lessee or licensee of the land, any person depastures any horses, cattle, sheep, goats, or other animals upon any Crown land occupied by virtue of any lease or license within a mining district, such person is liable to pay to such lessee or licensee, by way of damages, any sum not exceeding five shillings per head for every animal so depastured, and such damages may be recovered by suit in the Warden's Court.

Depasturing cattle without consent of lessee.
Ibid, sec. 49

49. In any case where any person depastures upon any Crown land within a mining district any horses, cattle, sheep, goats, or other animals without a license in that behalf, or a greater number of animals than he is authorised to depasture under any such license, such person is liable to a fine not exceeding five shillings for every animal so depastured, and such fine may be recovered by complaint in the Warden's Court.

Depasturing cattle on Crown lands without license.
Ibid, sec. 50

Alienated Crown or Native lands open for prospecting, and may be resumed.

1905, No. 39, sec. 51

Lands open to Prospecting and Lands liable to Resumption.

50. Subject to the provisions hereinafter contained, it is hereby declared that all lands whatsoever that heretofore have been or hereafter may be alienated from the Crown, or, in the case of Native land, from the Native owners thereof to any other person than the Crown, whether by way of absolute sale or for any lesser estate or interest, shall be open for prospecting for gold and any other metal or mineral, and shall also be liable to be resumed by His Majesty for mining purposes: Provided—

- (a.) That the consent of the owners or occupiers shall be necessary in the case of such of the aforesaid lands as, having been alienated as aforesaid from the Crown prior to the twenty-ninth day of September, one thousand eight hundred and seventy-three, or from the Native owners thereof prior to the thirtieth day of August, one thousand eight hundred and eighty-eight, were not comprised within any mining district on the seventeenth day of October, one thousand eight hundred and ninety-six; and also
- (b.) That, in so far as relates to prospecting for other than gold, the consent of the owners or occupiers shall be necessary in the case of lands alienated as mentioned in the last preceding paragraph, whether such lands were or were not comprised within any mining district on the date mentioned in that paragraph; and also
- (c.) That nothing in this section shall be construed to limit or affect the provisions of this Act relating to prospecting or mining on Crown lands, or the rights of His Majesty in respect of any lands over which the right to authorise mining operations has been, is, or may hereafter be possessed, reserved, or acquired by or ceded to His Majesty.

As to Resumption.

Resumption as if taken for a public work.

Ibid, sec. 52

Application for resumption, and deposit.

Ibid, sec. 53

51. The resumption for mining purposes of any land liable to be resumed as aforesaid shall be deemed to be the taking of land for a public work within the meaning of "The Public Works Act, 1908," and shall be effected subject to the provisions hereinafter contained.

52. Any person may make application in writing to the Minister for the resumption of any such land as aforesaid for mining purposes, and shall forward with such application the sum of twenty-five pounds by way of deposit, whereupon the following provisions shall apply:—

- (a.) The Minister shall refer such application to the Warden, and shall inform the applicant thereof.
- (b.) The Warden shall inquire into the matter of such application, and make report thereon to the Minister.
- (c.) Such report shall state the reasonable costs (if any) properly incurred in connection with the inquiry (including any reasonable costs properly incurred by any owner or occupier of the land), and also what proportion thereof (if any) the applicant ought to pay.
- (d.) The aforesaid deposit shall be applied in paying such proportion of costs as aforesaid, and the balance (if any) of the deposit shall be returned to the applicant.

- (e.) If the deposit is not sufficient to pay such proportion as aforesaid, the deficiency or, if the report states that no costs should be paid by the applicant, the total amount thereof shall be paid, charged, and recouped in the same manner as the compensation payable in the event of the land being resumed, or, if the land is not resumed, shall be paid out of moneys to be appropriated by Parliament.

53. Upon receipt of such report the Minister shall determine in his discretion whether the land should or should not be resumed in whole or in part, and the land to be resumed shall be taken on behalf of His Majesty in manner prescribed by "The Public Works Act, 1908":

Minister to determine whether land to be resumed.
1905, No. 39, sec. 54

Provided that, except with the consent in writing of the owner and occupier, no land shall be resumed—

Exceptions.

- (a.) Which is actually used as a garden, orchard, vineyard, nursery, plantation, or ornamental pleasure-ground; nor
- (b.) Which, being situate within any town or borough, is of less area than a quarter of an acre; nor
- (c.) Which is the site of or situate within one hundred feet of the site of any house, factory, hospital, asylum, church, public building, cemetery, or waterworks; nor
- (d.) Which cannot lawfully be resumed without the consent of the owner and occupier; nor
- (e.) Which is being mined for gold by or pursuant to the lawful authority of the owner or occupier in areas marked out in the same manner as is prescribed by this Act in the case of a claim, no one of which exceeds the maximum area of a special claim, and on all of which the mining operations are conducted in accordance with the provisions of this Act in like manner, *mutatis mutandis*, as if each such area had been duly taken up as a claim on Crown land; nor
- (f.) Which is being prospected for gold as vigorously and continuously as would be required in the case of a licensee under a prospecting license; nor
- (g.) Which, having been alienated from the Crown prior to the twenty-ninth day of September, one thousand eight hundred and seventy-three, or, in the case of Native land, by the Native owner to any person other than the Crown prior to the thirtieth day of August, one thousand eight hundred and eighty-eight, was comprised in any mining district on the seventeenth day of October, one thousand eight hundred and ninety-six, if the owner or occupier thereof satisfies the Warden that the land is being prospected with reasonable diligence, and that an average sum of not less than one pound per acre is being expended in so doing; nor
- (h.) Which, in the case of private land, is being prospected or mined by the owner or occupier, or forms part of a block that is being so prospected or mined, unless the applicant for resumption pays to the owner or occupier a sum bearing the same proportion to the net balance of the total amount expended since the first day of December, one thousand

eight hundred and ninety-six, in prospecting and mining as aforesaid (after making due allowance for all receipts and recoveries) as the acreage of the land to be resumed bears to the acreage of the whole block :

Provided that the sum paid under this section by the applicant for resumption shall not exceed the rate of two pounds per acre of the land resumed, and also that the sum so paid shall not be taken into account in assessing the compensation payable in respect of the resumption.

Limitation of
subsequent appli-
cation if not
resumed.

1905, No. 39, sec. 55

54. If the Minister determines that the land should not be resumed, either in whole or in part, he shall inform the applicant thereof ; and no further application for resumption of that land shall, unless by his special direction, be entertained for a period of twelve months thereafter.

Assessment of
compensation.

Ibid., sec. 56

55. (1.) All claims for compensation in respect of the land so resumed shall be assessed and settled in manner and to the extent provided in Part VII of this Act.

Arrears of fees, &c.,
to be deducted from
compensation.

(2.) In every case where any land is resumed before the same has been actually granted by the Crown in fee-simple, there shall be deducted from the compensation payable to any person in respect of such resumption the amount of all unpaid license fees, rents, purchase-money, or other money payable by him in respect of such land, computed up to the date of such resumption.

Special provisions
in case of lands
other than Crown
lands.

Ibid., sec. 57

56. Notwithstanding anything hereinbefore contained, the following special provisions shall apply in the case of all lands whatsoever in New Zealand other than Crown lands open for mining :—

(a.) The owner of any such land, or any person with the written consent of the owner and occupier (if any), may, in the prescribed manner, apply to the Warden for any description of mining privilege authorised by this Act in the case of Crown lands in a mining district, and the Warden, in his discretion, may grant a license for the same.

(b.) Every license so granted shall be deemed to be granted and shall be held subject to this Act, and subject also to any agreement made between the grantee and the owner or occupier, in so far as such agreement is not inconsistent with this Act.

(c.) So long as such license continues in force the land comprised therein shall not be resumed for mining purposes, nor shall any prospecting license be granted in respect thereof.

Agreement with
owner for mining
purposes in lieu of
resumption.

Ibid., sec. 58

57. In lieu of resuming land for mining purposes, the Minister may agree in writing with the owner thereof that such land shall be available for mining purposes in like manner as if it were Crown land, and in every such case the provisions of paragraphs (d), (e), and (f) of section eighty-eight hereof, and also the Second Schedule hereto, shall, *mutatis mutandis*, apply.

Owner entitled to
rents, royalties, and
fees.

Ibid., sec. 59

58. In every case where land is made available for mining purposes under the provisions of either of the two last preceding sections the owner of the land shall, whilst the same is so available, be entitled to all rents, royalties, and license fees derived from mining in respect of such land, and the same shall be paid to him accordingly as and when received by the Receiver .

Provided that the provisions of this section shall not apply where the owner of the land has, by writing under his hand addressed to and filed with the Receiver, intimated that no such rents, royalties, or license fees are payable to him in respect of a license granted under section fifty-six hereof, and thereafter such license shall not be liable to be declared forfeited or abandoned by non-payment of such rents, royalties, or license fees.

Surrender or Determination of Outstanding Leases or Licenses granted by Native or other Owners prior to Acquisition of Land by the Crown.

59. In any case where land at any time acquired by the Crown from the Native or other owners thereof is subject to any valid estate or interest lawfully created therein by lease or license from such owners at any time prior to such acquisition, and by reason thereof the land is not Crown land open for mining, the following provisions shall apply :—

Provisions subject to which Governor may accept surrender of outstanding leases of Native or other lands.

1905, No. 39, sec 60

- (a.) The Governor, on behalf of His Majesty, may at any time, and upon such terms as to compensation as may be agreed on, accept the surrender of any such lease or license as to either the whole or any part of the land comprised therein, and, in the case of surrender as to part, may make such reduction as he deems equitable in the rent (if any) thereafter payable in respect of the residue.
- (b.) Such surrender may be made by memorandum under the hands of the Governor and the lessee or licensee.
- (c.) Such memorandum may be by indorsement on the lease or license, or by separate instrument, and, in the case of surrender as to part, shall set forth the part surrendered, and the terms and conditions upon which the surrender is made.
- (d.) For the purposes of registration such memorandum shall, as the circumstances require, be deemed to be a deed within the meaning of "The Deeds Registration Act, 1908," or an instrument within the meaning of "The Land Transfer Act, 1908," and may be registered accordingly.
- (e.) If the surrender is as to part of the land, the lease or license shall thereafter be read and construed subject to the terms and conditions contained in the memorandum of surrender, and the Registrar of Deeds or District Land Registrar, as the case may be, shall, without fee, make all such entries in his register as are necessary in order to record the same.
- (f.) The land surrendered shall be deemed to have been thereby resumed by His Majesty for mining purposes, and in every such case the provisions of section eighty-eight hereof, and also the Second Schedule hereto, shall, *mutatis mutandis*, apply.

60. Any such lease or license may, whenever the Governor thinks fit, be determined for mining purposes as to either the whole or any part of the land comprised therein, and for that purpose the following provisions shall apply :—

Determination of lease by resumption of land for mining. Ibid, sec. 61

- (a.) Such determination shall be effected by resuming the land for mining purposes, and all the provisions of this Act relating to resumption shall, *mutatis mutandis*, apply accordingly.

- (b.) If only part of the land is resumed, the lessee or licensee may surrender the lease or license as to the residue, under the provisions for surrender hereinbefore contained :

Saving as to timber rightsg

Provided that in every case where any person possesses timber rights in respect to kauri timber growing on land near to or leading into the land proposed to be resumed, resumption shall not take place if the Warden, after inquiry, reports to the Minister that the resumption would prejudicially affect the reasonable exercise of such rights : and for the purpose of such inquiry and report the Warden, if requested so to do, shall appoint some skilled person to inspect both the land proposed to be resumed and the land in respect of which such rights exist.

Provisions as to determination of leases or licenses when land required for township or public utility.

1905, No. 39, sec. 62

61. The provisions of the two last preceding sections are hereby extended to cases where the land (whether the same is or is not Crown land open for mining) is situate in a mining district, and is, in the opinion of the Governor, required for township purposes or any other purpose of public utility, as specified by the Governor :

Provided that in every such case those sections shall be construed subject to the following special modifications, that is to say :—

- (a.) The determination of the lease or license as to the whole or any part of the land comprised therein shall be effected by resuming the land for the purposes specified by the Governor.
- (b.) Such resumption shall be deemed to be the taking of the land for a public work within the meaning of “ The Public Works Act, 1908 ” ; and the provisions of that Act shall accordingly, *mutatis mutandis*, apply, subject nevertheless to the provisions of this Act.
- (c.) Such resumption may, if and in so far as the Governor thinks fit, be effected without affecting the rights of persons holding under subleases or sublicenses from the original lessees or licensees ; and in such case those persons shall thereafter be deemed to hold from the Crown, subject to the conditions of their subleases or sublicenses.
- (d.) In satisfaction in whole or in part of the compensation payable to the lessee or licensee in respect of the surrender or resumption, the Governor may grant to him for an estate in fee-simple such portion of the land as may be agreed on.
- (e.) Subject to the provisions of this Act, the compensation payable in respect of such resumption shall be assessed and settled in the manner and to the extent provided in Part VII of this Act, and shall be payable out of moneys appropriated by Parliament.
- (f.) Subject to the rights of the persons (if any) holding from the Crown as aforesaid, the land as to which the lease or license is surrendered or determined shall be held and disposed of by sale, lease, reservation, or otherwise, in such manner, for such purposes, at such prices or rents, and on such terms and conditions in all things as the Governor from time to time prescribes.
- (g.) All moneys received by or on behalf of the Crown in respect of such land or the disposal thereof shall be paid into the

Public Account as part of the fund or account out of which the compensation has been appropriated and paid until the full amount thereof has been thereby recouped to that fund or account, and thereafter all such moneys (other than the proceeds of any sale in fee-simple) shall be deemed to be goldfields revenue, and the proceeds of every sale in fee-simple shall be paid into the Public Works Fund.

62. The provisions of sections fifty-nine and sixty hereof shall apply to any extension of lease or new lease granted under "The Tairua Land Act, 1893":

Application to lease
of Tairua lands.
1905, No. 39, sec. 63

Provided that nothing in this Act shall in any way affect the operation of subsections three and four of section three of that Act.

PART IV.

MINING PRIVILEGES.

As to Miners' Rights.

63. On the application of any person not under the age of fourteen years there shall be issued to him a document called a "miner's right"; and with respect to every miner's right the following provisions shall apply:—

Miners' rights.
Ibid, sec. 64

(a.) It shall be in the prescribed form, and shall be signed and issued by any Warden or Mining Registrar, or by any duly authorised Postmaster:

(b.) It shall continue in force for twelve months from the date thereof, but no longer, and shall be dated on the day of its issue:

Provided that the Governor, by regulations under this Act, may provide for the issue of antedated miners' rights in such cases and on such terms as to fees and otherwise as he thinks fit; and every such miner's right shall, for the purposes of this Act or any former Mining Act, operate and take effect as on and from the antedate:

(c.) It may be issued to a person who already holds one or more miners' rights, and any number may be issued to any person:

(d.) It shall not be transferable:

(e.) It shall specify the place and district in which it is issued, the full name and address of the person to whom it is issued, and the block of Native ceded land (if any) to which it relates.

(f.) The rights by this Act hereinafter conferred upon the holder of a miner's right may, subject to the provisions of this Act, be exercised by him in respect of all lands to which the miner's right relates, meaning thereby—

(i.) All lands throughout New Zealand that are open for mining, except Native ceded lands; or

(ii.) All such lands as aforesaid, with the addition of any such one block of Native ceded land as is specified in the miner's right at the time of the issue thereof.

(g.) For the purposes of this section "block" means the block ceded by any single group of Native owners who, under the

terms of the cession, are entitled to all fees received for the issue of miners' rights relating to the block.

Annual fee.

(h.) There shall be payable upon the issue of the miner's right—

(i.) A fee of five shillings where it does not relate to Native ceded lands :

(ii.) When it does so relate, a fee of twenty shillings or such other sum, if any (being in no case less than ten nor more than twenty shillings), as has been agreed to be paid on behalf of His Majesty to the Native owners of the specified block of Native ceded land to which the miner's right relates, as the consideration for the right to authorise mining operations thereon.

Special provision
as to miners' rights
relating to Native
land.

1905, No. 39, sec. 65

64. With respect to miners' rights that relate to any specified block of Native ceded land the following special provisions shall apply in every case where the prescribed fee exceeds ten shillings, that is to say :—

(a.) The Councils of all the respective boroughs and counties entitled to any goldfields revenue of the mining district wherein such block is situate may, by resolution, request that the prescribed fee be fixed at five shillings, and that the difference between that sum and the actual amount of the prescribed fee then in force be deducted from the said goldfields revenue.

(b.) Upon receiving from every such Council a copy of such resolution, certified as correct under the hand of the Mayor or Chairman of the Council that passed it, the Minister of Finance shall, by notice in the *Gazette*, fix the prescribed fee at five shillings ; and on and after the date of such notification the prescribed fee shall be five shillings accordingly.

(c.) The Minister of Finance shall in each year deduct the afore-said difference from the goldfields revenue before any apportionment thereof is made amongst the boroughs and counties entitled thereto.

(d.) The amount so deducted shall be paid by the Minister of Finance to the Warden, who shall distribute the same amongst the Native owners entitled thereto.

Rights acquired
under a miner's
right.

Ibid, sec. 66

65. A miner's right shall not be deemed to be an element of title to any mining privilege, but shall operate as a personal qualification authorising the holder thereof, whilst it continues in force, to do from time to time all or any of the following things, under and subject to the provisions of this Act, that is to say :—

(a.) To prospect for any metal or mineral on Crown lands open to prospecting :

(b.) To take up and hold, without application to or license from the Warden, one ordinary alluvial claim for each miner's right :

(c.) To make any application under this Act to the Warden or the Warden's Court :

(d.) To commence any civil suit or proceeding before the Warden or the Warden's Court :

(e.) To become the transferee of any mining privilege other than a miner's right :

(f.) Subject to regulations under this Act, to cut timber for his own use from unalienated Crown land open for mining, and, with the consent of the Warden, and on such terms and conditions as are prescribed, to make tramways or roads for that purpose :

(g.) To do such other things as by this Act or the regulations thereunder the holder of a miner's right is by virtue thereof authorised to do :

and, except where otherwise specially provided by this Act or the regulations thereunder, no person shall be authorised or entitled to do any of the aforesaid things unless he possesses the qualification of a miner's right :

Provided that in every case where the thing to be done relates to land situate in any specified block of Native ceded land the qualification shall be a miner's right relating to such block, and the subsequent provisions of this Act shall be construed accordingly :

Provided also that the qualification of a miner's right shall not be necessary in the case of a person defending any suit or other proceeding, or objecting to any application, under this Act :

Provided further that in no case shall any person's title to any mining privilege or other property be prejudicially affected by the fact that the person from or through whom such title was acquired or derived did not possess the qualification of a miner's right.

Consolidated Miners' Rights.

66. On application by or on behalf of any person, a document called a "consolidated miner's right" shall be issued to the applicant as beneficial holder thereof, or (as the case may be) to any specified person as nominated holder thereof, on behalf of the applicant as beneficial holder ; and with respect to every consolidated miner's right the provisions of sections sixty-three to sixty-five hereof shall, *mutatis mutandis*, apply, as also shall the provisions following, that is to say :—

Consolidated
miners' rights.
1905, No. 39, sec. 67

(a.) It may comprise any number of miners' rights, and the fee payable on the issue thereof shall be a sum equal to the aggregate of the prescribed fees of all the miners' rights comprised therein :

Fee, form, and
effect thereof.

(b.) It shall specify the name or style of the beneficial holder ; and also, in the case of a mining partnership, the full name of each member thereof at the date of issue :

(c.) So long as it continues in force the beneficial holder shall be deemed to be the holder of all the miners' rights comprised therein ; and, in the case of a mining partnership, all persons who from time to time are members of the partnership shall, whilst members, be deemed to be jointly the holders of all the miners' rights ; and when any person ceases to be a member he shall cease to be a joint holder :

(d.) The benefit of all the miners' rights comprised therein shall enure to the beneficial holder, without it being necessary in the case of a company for any shareholder therein, or in the case of a mining partnership for any member thereof, to be individually the holder of a miner's right.

*As to Prospecting.**Prospecting Warrants and Prospecting Licenses.*

Prospecting only
on open lands.
1905. No. 39, sec. 68

67. The provisions hereinafter contained relating to prospecting shall apply only to Crown lands and to such other lands as are open for prospecting under this Act.

Holder of miner's
right may prospect
on Crown lands.
Ibid. sec. 69

68. Subject to the provisions of this Act, the holder of a miner's right shall, whilst it continues in force, be entitled by virtue thereof to enter and prospect for gold and any other metal or mineral on any Crown land.

Prospecting license
in respect of Native
or other land.
Ibid. sec. 70

69. The Governor in respect of Native land, and the Warden in respect of any land other than Native land, may in his discretion grant to any person a prospecting warrant or a prospecting license under this Act, whether such land is inside or outside a mining district.

Holder of warrant
or license may enter
and prospect.
Ibid. sec. 71

70. Subject to the provisions of this Act, the holder of a prospecting warrant or a prospecting license shall, whilst it continues in force, be entitled by virtue thereof to enter and prospect on the land to which it relates for gold and any other metal or mineral:

Provided that the right conferred by this section shall in the case of a prospecting warrant be a non-exclusive right, and in the case of a prospecting license an exclusive right, to prospect on the land to which it relates.

Prospecting licenses,
two classes.
Ibid. sec. 72

71. (1.) Prospecting licenses may be of two classes—to wit, ordinary prospecting licenses and tunnel prospecting licenses.

(2.) The former class shall apply to prospecting generally, and the latter to prospecting on or near the line of any tunnel which the licensee is constructing or proposes to construct.

Provisions in
respect thereto.
Ibid. sec. 73

72. With respect to prospecting warrants, prospecting licenses, and the applications therefor, the following provisions shall apply:—

(a.) The application shall in each case be made in the prescribed manner, and shall relate only to such block or blocks of land as are specified therein.

(b.) In the case of a prospecting warrant the applicant shall not be required to mark out the land, nor shall any survey be necessary, but the land shall be identified with reasonable particularity by reference to its area, situation, and ownership.

(c.) In the case of a prospecting license, the applicant shall mark out the land in the prescribed manner, but no survey shall be necessary:

Provided that in the case of two or more applications for adjoining land, or of any question or dispute as to the actual land comprised in the application, the Governor or, as the case may be, the Warden to whom the application is made may, at the cost of the applicant, direct such survey to be made as he deems necessary.

(d.) The application shall, in the prescribed manner, be notified to the owners or occupiers of the land to which it relates, and to all other persons whose interests may be obviously affected.

(e.) In every case where the consent of the owners or occupiers of the land is required by law, the application shall not be

granted until the Governor or, as the case may be, the Warden to whom the application is made is satisfied that such consent has been duly given.

- (f.) The area of the land to which a prospecting license relates shall not exceed, in the case of a tunnel prospecting license, one hundred and fifty yards measured on each side of the middle-line of the tunnel along the whole length thereof, and in the case of an ordinary prospecting license one hundred acres :

Provided that in no case shall the land comprised in a tunnel prospecting license include any river or river-bed.

- (g.) A prospecting warrant or ordinary prospecting license shall continue in force for one year, and shall not be renewed ; but if on the expiry thereof the holder so desires he may make a fresh application.
- (h.) A tunnel prospecting license shall continue in force for two years, and may be renewed from year to year on such conditions as are prescribed.
- (i.) There shall be payable in respect of a prospecting warrant a fee of one pound, and in the case of a prospecting license a fee computed at the rate of one shilling for every acre of land to which the license relates, such fee being, however, in no case less than one pound.
- (j.) Such fees shall, in the case of a prospecting warrant or an ordinary prospecting license, be payable in advance ; and, in the case of a tunnel prospecting license, shall be payable annually in advance whilst the license or its renewal continues in force.
- (k.) The holder of a prospecting license shall, in such manner and subject to such conditions as are prescribed, have the right in priority to any other person of obtaining a license for any mining privilege in respect of the land to which his prospecting license relates :

Provided that, in the case of Native land, such right shall not be exercisable unless and until such land is acquired by His Majesty or becomes Native ceded land :

Provided also that in every case such right shall be subject to the provisions of section eighty-eight hereof.

73. The conditions subject to which any prospecting warrant or license is issued shall in every case be deemed to include due provisions for—

Conditions to which issue of prospecting warrant or license subject.

1905, No. 39, sec. 74

- (a.) The vigorous and continuous prosecution of prospecting operations to the satisfaction of the Governor or, as the case may be, the Warden by whom the warrant or license was issued, and the prompt reporting to him of all mineral discoveries ; and also
- (b.) Except in the case of unalienated Crown land, the filling-up of all holes made whilst prospecting, and the prevention of damage to standing bush by fire, or to live-stock by dogs or otherwise, consequent on the prospecting operations ; and also
- (c.) In the case of private land or land held under lease in perpetuity, the lodging of sufficient security to the satisfaction

of the Governor or Warden as aforesaid for the fulfilment of the conditions referred to in the last preceding paragraph hereof.

Compensation to be paid to owner for damage.

1905, No. 39, sec. 75

74. With respect to every prospecting warrant or license the following provisions shall apply :—

- (a.) The holder thereof shall pay to the owner and occupier of the land comprised therein, not being unalienated Crown lands, full compensation (according to their respective interests) for all damage that may be done to such land by the holder in prospecting pursuant to the warrant or license.
- (b.) The Warden shall, when necessary, assess from time to time the amount of such compensation in such manner as he deems just, and shall have jurisdiction to hear, determine, and enforce all claims in respect thereof.
- (c.) No prospecting warrant or license shall be granted unless and until the applicant therefor either has actually paid the aforesaid compensation to the owner or occupier entitled thereto, or has entered into an agreement with such owner or occupier as to such compensation and the payment thereof, or has given security to the satisfaction of the Warden for payment of all claims for compensation as they arise and are determined.

Lands excepted from prospecting.
Ibid. sec. 76

75. Nothing in this Act, or in any prospecting warrant or license, shall authorise any person by virtue of a miner's right or any such warrant or license to enter upon—

- (a.) Any land actually and lawfully used as a garden, orchard, vineyard, nursery, plantation, or ornamental pleasure-ground, or used or set apart as a cemetery ; nor upon
- (b.) Any land whilst actually and lawfully under cereal or root crop ; nor upon
- (c.) Any land situated within one hundred feet of any spring, artificial reservoir, dam, waterworks, or building ; nor upon
- (d.) Any private land the owner or occupier whereof satisfies the Warden that the same is being prospected as vigorously and continuously as would be required in the case of a licensee under a prospecting license ; nor upon
- (e.) Any private land which is being mined in manner hereinbefore provided in paragraph (e) of section fifty-three hereof ; nor upon
- (f.) Any land which is being prospected in manner hereinbefore provided in paragraph (g) of section fifty-three hereof ; nor upon
- (g.) Any land which is not open for prospecting without the consent of the owner or occupier,—

unless in each case the written consent of the owner and occupier of such land is given.

Mineral Prospecting Warrants and Mineral Leases.

Mineral prospecting warrant.

Ibid. sec. 77

76. (1.) With the consent in writing of the Minister, the Warden within a mining district, or the Commissioner of Crown Lands outside a mining district, may grant to any person a warrant (hereinafter referred

to as "a mineral prospecting warrant") authorising the holder to prospect for any one specified mineral over any Crown lands specified in the warrant not exceeding an area of ten thousand acres.

(2.) Every application for a mineral prospecting warrant shall be accompanied by a deposit of fifty pounds for the first one thousand acres applied for, with an addition of twenty-five pounds for every one thousand acres or part thereof applied for in excess of one thousand acres.

77. A mineral prospecting warrant shall, unless previously cancelled under section seventy-nine hereof, continue in force for a period of five years from the date on which it was granted.

Duration of
warrant.

1905, No. 39, sec. 78

78. The holder of any such warrant shall, while it continues in force, have the exclusive right to prospect for the mineral specified in the warrant on the land to which the warrant refers, and may enter upon such land for that purpose.

Rights of holder.

Ibid, sec. 79

79. Every mineral prospecting warrant shall be held under such conditions as to employment of labour and development of the mine as may from time to time be prescribed by regulations, and may at any time be cancelled for the non-observance on the part of the holder of any such conditions.

Conditions
of warrant.

Ibid, sec. 80

80. (1.) At any time while a mineral prospecting warrant is in force the holder shall, on complying with the provisions of this Act, have the right to a mineral lease of such part of the land to which the warrant relates not exceeding one thousand acres, and in one continuous block, as he may select.

Right of holder
of warrant to
select on lease.

Ibid, sec. 81

(2.) Every application for a mineral lease shall be accompanied by a deposit of one pound for every acre of land applied for, not exceeding in the whole a deposit of one thousand pounds.

(3.) The mineral lease shall be for a term not exceeding sixty-three years, and shall be subject to the payment of such rent and to the observance of such conditions as may from time to time be prescribed by regulations.

81. The Governor may from time to time, by Order in Council gazetted, make regulations—

Regulations.

Ibid, sec. 82

(a.) Prescribing the rent and royalty payable, and the labour and other conditions under which any mineral prospecting warrant or mineral lease shall be granted;

(b.) Providing for the refund from time to time of sums (not exceeding in the whole the amount deposited, whether on application for the warrant or the lease) in proportion to the amount spent in complying with any such labour or other conditions; and

(c.) Prescribing the terms and conditions on which licenses or warrants may be issued under the next succeeding section, and the amount that shall be expended each year in prospecting under any such license or warrant.

82. (1.) Paragraph (i) of section one hundred and two hereof shall not apply to a mineral lease granted under section eighty hereof in so far as that, in the event of the land in respect of which such lease is granted, or any part thereof, being proved to be auriferous or to contain any mineral other than that specified in the lease, the lease shall not on that account be cancelled.

Provision if land
proves auriferous.

Ibid, sec. 83

(2.) The Warden may from time to time, if it appears to him that the working of the land comprised in such lease for the purpose specified in the lease is not thereby prejudiced, grant licenses or warrants for prospecting for gold or other metal or mineral, or any other mining privilege, over any part of the land comprised in such lease :

Provided that, if at any time it appears to the Warden that the exercise of any such mining privilege is prejudicial to the working of the land by the lessee, the Warden may forthwith cancel such mining privilege, and the holder thereof shall have no right to compensation in respect of such cancellation either against the Crown or the lessee :

Provided also that the Warden may, if he thinks fit, grant to the holder of such mining privilege a fresh mining privilege over such part of the land comprised in the lease as will not be prejudicial to the working of the land by the lessee.

(3.) Nothing in this section shall authorise the inclusion in any such lease of any area in respect of which any mining privilege has been granted prior to the fifth day of November, one thousand nine hundred and four (being the date of the coming into operation of "The Mining Act Amendment Act, 1904"), and is now in force.

Holder of lease,
&c., may apply for
mining privilege.
1905, No. 39, sec. 84

83. Nothing in this Act shall prevent the holder of a mineral prospecting warrant or of a mineral lease from applying for and obtaining any mining privilege for gold or any other metal or mineral over any part of the land specified in the warrant or lease, and such application shall have priority as if such holder were the discoverer within the meaning of the Second Schedule to this Act.

Certain other
provisions of Act
to apply.
Ibid. sec. 85

84. Subject to the provisions of sections seventy-six to eighty-five hereof, the provisions of this Act relating to prospecting warrants or licenses and to mineral licenses shall, so far as applicable, apply to mineral prospecting warrants and mineral leases.

Extension to Native
lands.
Ibid. sec. 86

85. The powers conferred under sections seventy-six to eighty-four hereof on a Warden or Commissioner of Crown Lands may be exercised by the Governor in respect of Native lands.

As to Claims generally.

Classes of claims.
Ibid. sec. 87

86. Subject to the provisions of this Act, all Crown lands which are situate in a mining district and are open for mining may, in the prescribed manner and subject to the prescribed conditions, be taken up for mining purposes in claims of any of the following classes, that is to say :—

Ordinary claims :

Extended claims :

Special claims.

Extent of claim
along stream or
foreshore.
Ibid. sec. 88
1905, No. 55, sec. 2

87. (1.) In no case shall a claim of any description extend along or comprise more than one mile of the course of a stream or the foreshore of the sea-beach, such mile being measured in the case of the stream along the centre of the bed of the stream, and in the case of the foreshore along the foreshore at high-water mark :

Special as to
dredges.

Provided that, in the case of a dredging claim, the limit imposed by this section may, with the consent of the Minister, be extended to a total of not more than three miles where he is satisfied that with the original limit the area available for dredging is too small to justify the

expense of acquiring a suitable dredge, and that the total area of the claim does not exceed seventy-five acres :

Provided also that in the case of a hydraulic elevating claim the limit may, with the consent of the Minister, be extended to a total of not more than two miles where he is satisfied—

- (a.) That with the original limit the area available is too small to justify the expenditure of bringing in a sufficient water-supply and erecting hydraulic plant with which to profitably work the claim ; and
 - (b.) That the total area of the claim does not exceed one hundred acres ; and
 - (c.) That the ground has been previously worked.
- (2.) The provisions of this section shall extend to amalgamated claims.

Priority of Right to take up Claims and other Mining Privileges in certain Cases.

88. (1.) In any of the following cases, that is to say,—

- (a.) Where land is resumed for mining purposes under this Act :
or
- (b.) Where Native or private land is ceded to His Majesty for mining purposes ; or
- (c.) Where gold is discovered on Crown land not within a mining district, and in consequence of such discovery the land is brought within a mining district,—

Land resumed or ceded to be available after twenty-eight days' notice in *Gazette*.

1905, No. 39, sec. 89

the following provisions shall apply :—

- (d.) If the land is then within a mining district, it shall be available for mining purposes under the provisions of this Act on and after a day to be named by the Governor by notice published in the *Gazette*, being not sooner than twenty-eight days after the first publication of such notice in the *Gazette*.
- (e.) If the land is not then within a mining district, the provisions of the last preceding paragraph shall apply, subject to the modification that the therein-mentioned *Gazette* notice shall be published simultaneously with the Proclamation constituting the mining district.
- (f.) During the period between the first publication of the aforesaid *Gazette* notice and the day on which the land becomes available for mining purposes as aforesaid, claims and other mining privileges as specified in the Second Schedule hereto may be taken up and obtained on the land by the persons, in the order of priority, and subject to the provisions in that Schedule set forth.

(2.) Where a person discovers a new quartz lode or alluvial lead or other mineral deposit he shall, if within a reasonable time he follows up his discovery by an application to the Warden in the prescribed manner, have a prior right to a license for a quartz claim not exceeding fifty acres, or an alluvial claim not exceeding thirty acres, without survey and free of all rents for a period of two years from the date of the granting of the license.

Priority to discoverers.

1905, No. 55, sec. 3

(3.) For the purposes of the last preceding subsection, the question as to what is a new discovery or what is a reasonable time

shall be decided by the Warden, who shall have regard to the opportunities of the person making the discovery and the distance of the land the subject of the discovery from the nearest Warden's office.

Taking up Claims and other Mining Privileges.

Mode of taking up
ordinary alluvial
claim.
1905, No. 39, sec. 90

89. Any person who desires to take up an ordinary alluvial claim shall mark it out in the prescribed manner, and thereupon the claim shall be deemed to be taken up if he possesses the qualification of a miner's right :

Provided that if he so desires he may, either in the first instance or at any time after taking up such claim, obtain a license therefor under the next succeeding section.

Claim to be marked
out and application
made.
Ibid, sec. 91

90. Subject to the provisions of the last preceding section, any person who desires to take up any claim or other mining privilege shall, in the prescribed manner, mark it out and specify it, and make application to the Warden for a license therefor, and the claim or other mining privilege comprising the area specified in the license shall be deemed to be taken up on the day named in the license, being the day on which the license is granted.

Provisions as to
marking out mining
privileges.
Ibid, sec. 92

91. In every case where the application is for a claim or other mining privilege requiring to be marked out, the following provisions shall apply :—

(a.) The applicant shall mark out the land before filing the application.

(b.) For the purpose of marking out the land, surveying the same, and posting notices thereon in connection with the application he may, by himself, his agents or workmen, enter on the land without the consent of the owner or occupier, and there do whatever is reasonably necessary for such purpose :

Provided nevertheless as follows :—

(i.) He shall do no damage that can possibly be avoided, and shall be liable for all damage actually done.

(ii.) In the case of private land he shall not enter without the previous consent of the Warden (who, before giving such consent, shall be satisfied that the owner or occupier has received at least twenty-four hours' previous notice in writing of the intention to apply therefor), nor (having obtained such consent) shall he enter unless he gives to the owner or occupier at least twenty-four hours' previous notice in writing of intention so to do, and enters within seven days after giving such notice.

(iii.) In any case where the Warden is satisfied that after the service of the notice referred to in the last preceding subparagraph, and before the applicant could with reasonable diligence have marked out the land and filed his application, some other person has anticipated him by filing an application in respect of the same subject-matter, then the Warden, if he thinks it equitable so to do, may, for the purpose of determining the respective priorities of the applications (but for no other purpose), treat the first-mentioned application as if it had been duly filed at the time of the service of the aforesaid notice, and pursuant to a previous marking-out.

- (c.) Except with the consent of the owner or occupier, nothing in this section shall be construed to authorise the entry on land which is not open for prospecting or mining without such consent.

92. With respect to claims under the sea or on or under the foreshore the following provisions shall apply :—

Claims under the sea or on the foreshore.
1905, No. 39, sec. 93

- (a.) The license for any such claim may be granted whether the land comprised therein or any part thereof is within a mining district or outside the same, and for the purposes of this Act every such claim which is outside a district shall be deemed to be within the boundaries of the district the Warden whereof grants the license.
- (b.) The area of the claim may extend seawards for such distance as the Warden thinks fit, and in the case of a special claim extending seawards the area may exceed one hundred acres.
- (c.) The holder of such claim shall be liable to pay all rents, royalties, rates, and taxes in the same manner as though the whole area were above high-water mark and within a district to which section forty-five of "The Rating Act, 1908," applies.
- (d.) The license for any such claim may, if the Warden thinks fit, be granted subject to the condition, *inter alia*, that the licensee will not carry on mining operations within fifty feet of the surface of the ground.
- (e.) If the claim in respect whereof the license is applied for comprises any land on or under such part of any foreshore as is under the control of any Harbour Board, the license shall not be granted until the proposed conditions thereof have been submitted to such Harbour Board.

93. (1.) The dimensions and boundaries of every claim shall be finally fixed at the time when it is taken up; and it shall be the duty of the holder thereof, at all times thereafter whilst he continues to be such holder, to keep such boundaries marked in such distinctive manner as circumstances permit or regulations prescribe, and to point them out to any holder of a miner's right as soon as possible (in no case exceeding forty-eight hours) after being personally served with a notice in writing so to do.

Boundaries of claim to be fixed and kept marked.
Ibid, sec. 94

(2.) If default is made in duly complying with any of the provisions of this section, the defaulter is liable to a fine of five pounds; and, in the case of an ordinary alluvial claim held otherwise than under license, the holder of such miner's right may assume the claim to be unmarked, and may mark out and take up the same or any part thereof.

94. Any number of claims may be taken up by the same person or persons, either separately or conjointly :

Any number of claims may be taken up.
Ibid, sec. 95

Provided nevertheless as follows, that is to say :—

- (a.) In respect of each such claim the prescribed conditions shall be duly fulfilled.
- (b.) The total area of all such claims shall not exceed in the case of ordinary claims six acres, nor in the case of extended claims one hundred acres.
- (c.) For each such claim, being an ordinary alluvial claim taken up otherwise than under license, a miner's right shall be held by each person taking up or at any time holding the same.

Rights and Liabilities of the Holders of Claims and other Mining Privileges.

Who to be deemed holder, and until when.
1905, No. 39, sec. 96

95. Every person by whom any claim or other mining privilege is lawfully taken up, and every person lawfully deriving through him, shall, according to his share and interest therein, be deemed to be the holder thereof until, in the case of an ordinary alluvial claim held otherwise than under license, it is forfeited or abandoned, or, in the case of any claim or other mining privilege held under license, the license therefor is determined by effluxion of time or by earlier surrender, or forfeiture, or abandonment, under the respective provisions in that behalf hereinafter contained.

Holder entitled to exclusive occupation, and to privileges thereof.
Ibid, sec. 97

96. Subject to the provisions of this Act, every holder of a claim shall, whilst he continues to be the holder thereof, be entitled, according to his share and interest therein, to the exclusive occupation thereof for mining purposes, and also to all gold within the boundaries thereof, and also to such other privileges in respect thereof as are prescribed :

Provided that in no case shall he, as such holder,—

- (a.) Be entitled to any metal or mineral other than gold therein, or to mine for or remove the same ; nor
- (b.) Have any riparian rights in respect of any watercourse on or adjoining such claim.

Labour conditions.
Ibid sec. 98
1905, No. 55, sec. 5

97. Every claim shall be deemed to be taken up and shall be held subject to the labour conditions following, that is to say :—

- (a.) That the holder thereof will *bona fide* and continuously work the same by carrying on mining operations for gold thereon with reasonable diligence and skill, and will commence such operations,—

- (i.) In the case of an ordinary alluvial claim, within forty-eight hours after the day on which it is taken up ; and

- (ii.) In the case of an ordinary claim other than an ordinary alluvial claim, within such number of days, not exceeding seven, as the Warden fixes when granting the license ; and

- (iii.) In the case of an extended claim, within such number of days, not exceeding fourteen, as the Warden fixes when granting the license ; and

- (iv.) In the case of a special claim, within such time as the Warden fixes when granting the license :

Provided that in the case of a special claim for dredging the holder shall commence and prosecute the construction or acquisition of a dredge for working the claim (but not necessarily on the claim) within such time or extended time as the Warden fixes at the time of granting the license or at any subsequent time.

- (b.) That he will at all times employ in such operations such number of workmen as is prescribed by regulations in that behalf :

Provided that on application in that behalf the Warden in his discretion may from time to time reduce the prescribed number of workmen to such extent and for such period as he thinks fit, where he is satisfied that the prescribed number cannot be reasonably and advantageously employed :

Provided also that when such period exceeds six months the previous consent of the Minister shall be necessary :

Provided further that the reduced number of workmen shall in every case be wages-men.

98. The last preceding section shall be construed subject to the following provisions :—

(a.) The Warden, in the case of a mining privilege to be used in working a claim, may from time to time, on application in that behalf, extend the date of the commencement of works on such mining privilege for such period as he thinks fit.

Provisoes.

1905, No. 39, sec. 99

Date of commencement of work may be extended in certain cases.

1905. No. 55. sec. 10

(b.) In every case where two or more claims or other mining privileges contiguous to one another, or worked in conjunction with one another, are held by the same person or by co-partners in mining, it shall be a sufficient compliance with the aforesaid labour conditions if the total number of workmen employed on any one or more of such claims or other mining privileges, taken collectively, is not less than the total number prescribed for all such claims taken separately :

As to contiguous claims held by same person.

1905, No. 39, sec. 99

Provided that where the total area of such claims exceeds four hundred acres the number of workmen to be employed for every acre in excess of four hundred acres shall be such as is prescribed by regulations.

(c.) In the case of a dredging claim the number of workmen required to be employed in any day shall not exceed the proportion of seven workmen for each dredge.

Number of workmen on dredging claims.

(d.) For the purpose of complying with the aforesaid labour conditions in the case of a dredging claim it shall not be necessary to use more than one dredge, except where the Warden otherwise orders, having regard to the area of the claim and the facilities for working it :

Labour conditions as to dredging claims.

Provided that no order shall be made under this paragraph save on the report of an Inspector, and after the holder of the claim has had an opportunity of showing cause against the order.

(e.) For the purpose of compliance with the aforesaid labour conditions there shall be included all work done in the construction or erection of machinery, or in preparations indispensable to the actual commencement of mining operations, whether such work is done on or in connection with the claim itself or on or in connection with any special site or race or dam held by the claimholder for the purpose of facilitating mining operations on such claim.

Labour conditions, certain works included.

(f.) To the extent of one-half of the number of workmen which should otherwise be employed, the expenditure of capital shall be equivalent to the employment of workmen in the proportion of one man for every thousand pounds of capital which, to the satisfaction of the Warden, has been expended by the holder of the mining privilege in plant or permanent works for the purposes of such privilege.

Proportion of workmen to expenditure of capital.

99. With respect to every extended or special claim the following provisions shall apply :—

Rent of extended and special claims
Ibid, sec. 100

- (a.) The licensee of such claim shall, during the term of the license, pay the rent next hereinafter mentioned.
- (b.) In respect of so much of the area as is other than Native ceded land such rent shall, for every acre or fraction of an acre, be at the rate of—
- (i.) Two shillings and sixpence per year for the period elapsing between the date of the license and the last day of June or December first ensuing after the expiration of one year from the date of the license ;
- (ii.) Five shillings for the next succeeding year, and seven shillings and sixpence for each subsequent year during the term of the license.
- (c.) In respect of so much of the area as is Native ceded land the rent shall be at the rate of one shilling per annum for every acre or fraction of an acre, and the licensee shall also take out in his own name and hold a miner's right relating to the Native ceded land in respect of every person employed in mining on such area, whether on wages or as a tributer or a contractor :

Number of miners' rights when area is Native ceded land.

Provided nevertheless as follows :—

(i.) It shall be sufficient if the total number of miners' rights so taken out and held is at no time less than the total number of persons for the time being so employed.

(ii.) The owners of such Native ceded land or a majority of them may, by memorandum in writing lodged in the Warden's Court, certify their consent that, for the purpose of determining the amount to be paid by the licensee, such land shall be deemed to be other than Native ceded land, and from and after the lodging of such memorandum the foregoing provisions as to rent and miners' rights shall cease to apply to such land, and in lieu thereof the same rent shall be payable as in the case of other than Native ceded land.

Special provisions as to mining on timber lands.
1905, No. 39, sec. 101

100. In every case where a claim comprises land over which any person possesses any validly created right to cut, remove, or float timber the following special provisions shall apply :—

- (a.) Such claim shall be deemed to be taken up and shall be held subject to the condition that the holder thereof, and all persons deriving title through him, will so carry on mining operations as not to prevent the reasonable exercise of any of the aforesaid rights.
- (b.) If any question or dispute arises under the last preceding paragraph as to what is the reasonable exercise of the aforesaid rights, the Warden shall decide.
- (c.) In deciding such question or dispute the Warden, if he deems it equitable so to do, may authorise the mining operations to be carried on in such manner and subject to such conditions as he prescribes, having regard to the special circumstances of the case and the nature of the aforesaid rights.
- (d.) The Governor may from time to time make such regulations as he deems necessary for the purpose of giving effect to this section, and of enabling the mining and timber industries to co-exist on the same land.

101. (1.) When granting a license for a claim or other mining privilege, or at any time thereafter during the currency of the license, or, in the case of an ordinary alluvial claim held otherwise than under license, at any time whilst it is held, the Warden may impose on the licensee or holder such conditions as he thinks fit in order to prevent injury to the surface of the land comprised in the claim or other mining privilege, or to anything thereon, in any of the following cases, that is to say :—

Warden may impose conditions to prevent injury to surface of land.

1905. No. 39, sec. 102

(a.) If the land is in a borough ; or

(b.) If buildings are erected or likely to be erected on the land ;
or

(c.) If the land is *bona fide* used or is likely to be so used for a yard, garden, orchard, cultivated field, water-race, dam, burial-ground, or reserve.

(2.) Such conditions may include the condition that the licensee or holder will not, without the previous approval in writing of the Warden and consent in writing of the person in lawful occupation of the surface, carry on mining operations within such distance of the surface as the Warden thinks fit to prescribe, such distance being not less than fifty feet in the case of buildings, races, and dams, and not less than thirty feet in any other case.

(3.) All such conditions heretofore imposed by a Warden are hereby declared to have been validly imposed.

Mineral Licenses.

102. Subject to the provisions of this Act, and on application in that behalf, the Warden may grant mineral licenses authorising the licensees to occupy any Crown land within or outside a mining district for the purpose of mining for any specified metal or mineral other than gold ; and with respect to every such license the following special provisions shall apply :—

Licenses for mining other minerals than gold subject to subsisting prospecting licenses.
Ibid. sec. 103

(a.) If any portion of the land applied for is comprised in any subsisting prospecting license, and the applicant is other than the holder thereof, the application shall not be granted as to the portion aforesaid unless and until such holder has, in the prescribed manner, been afforded an opportunity of applying for and obtaining a mineral license in respect of such portion.

(b.) If he does so apply, his application shall have priority ; if he declines or neglects so to do, or fails to duly take up the mineral license when granted, his prospecting license shall be deemed to be cancelled as to the portion aforesaid.

(c.) The area of the land comprised in the mineral license shall not exceed three hundred and twenty acres.

Area.

(d.) The licensee shall for every year of the term of the license pay rent at the rate of two shillings and sixpence for every acre or fraction of an acre of the area comprised in the license.

Rent.

(e.) The licensee shall also pay, in respect of all the specified metals and minerals raised pursuant to the license, such royalty as is specified therein, being not less than one hundredth nor more than one twenty-fifth of their value at the pit's mouth.

Royalty.

- (f.) The royalty shall be computed in such manner and paid at such times as are prescribed, and all sums paid in respect of royalty during any period shall, to the extent of the rent payable for the same period, be deemed to be in or towards satisfaction of such rent.
- (g.) All rent and royalties received in respect of the license shall be deemed to be goldfields revenue or land revenue, according as the land comprised therein is situate within or outside of a mining district, and in any case where the license comprises both land within and land outside of a mining district the rent and royalties shall be apportioned between goldfields revenue and land revenue in such manner as is prescribed.
- (h.) The licensee shall not be entitled to any gold, nor to any other metal or mineral than that specified in the license, nor shall he mine for or remove the same.
- (i.) The license shall be deemed to be granted subject to the condition that if and as often as it is found to the satisfaction of the Warden that any portion of the land comprised therein is auriferous, or contains any other metal or mineral than that specified therein, such portion may, in his discretion, be made available for mining purposes, either by cancelling the license as to such portion, or otherwise as the Warden thinks fit, or as regulations prescribe :

Provided that with respect to the portion to be made available as aforesaid the provisions of section eighty-eight hereof and the Second Schedule hereto shall, *mutatis mutandis*, apply, subject nevertheless to the following modifications, that is to say :—

- (i.) The licensee shall be deemed to be the proprietor :
- (ii.) The person on whose application the land is made available as aforesaid shall be deemed to be the applicant :
- (iii.) Where the land is made available for mineral leases in respect of any specified mineral the right of priority conferred by the said Schedule shall be deemed to relate to a mineral license in respect of such mineral :
- (iv.) Such other modifications as are prescribed for the purpose of giving full effect to this paragraph.
- (j.) The license shall contain due provisions—

For securing the payment of all rent and royalty ;

For insuring the regular, proper, and efficient carrying-on of mining operations, and for the inspection of the mine and workings ;

For cancelling the license on breach of any condition to be performed or observed by the licensee ; and

For insuring compliance with any other conditions the Warden may deem it necessary to impose.

103. (1.) Notwithstanding anything in paragraph (c) of the last preceding section, the Warden may grant a mineral lease authorising the lessee to occupy any part of the land described in the Third Schedule hereto, not exceeding one thousand acres and in one continuous block, for the purpose of mining for any specified metal or mineral other than gold.

Cancellation if land
auriferous.

Conditions of
license.

Mineral lease may
be granted in Nelson
Land District.
1905, No. 39, sec. 104
1906, No. 47, sec. 4

(2.) The Warden shall not grant the lease unless and until the Minister has consented thereto and notified such consent in writing on the instrument of lease. Any lease granted shall contain a provision that the State may purchase at a fair value, to be ascertained in the manner set forth therein :

Provided that in the case of the lease already granted under this section to the Public Trustee, as and being the executor and trustee of the will of the late Sir Alfred Jerome Cadman, bearing date the fifteenth day of August, one thousand nine hundred and five, the power of purchase shall not be exercised until after the expiration of twenty-eight years from the commencement of the term of the lease, and the lease shall be construed accordingly.

(3.) Paragraph (i) of the last preceding section shall not apply to a lease granted under this section, so that, in the event of the land in respect of which a lease under this section is granted, or any part thereof, being proved to be auriferous or to contain any metal or mineral other than that specified in the lease, the lease shall not on that account be cancelled.

(4.) The Warden may from time to time, if it appears to him that the working of the land comprised in such lease for the purpose specified in the lease is not thereby prejudiced, grant any mining privilege over any part of the land comprised in such lease :

Provided that, if at any time it appears to the Warden that the exercise of any such mining privilege is prejudicial to the working of the land by the lessee, the Warden may forthwith cancel such mining privilege, and the holder thereof shall have no right to compensation in respect of such cancellation either against the Crown or the lessee.

(5.) Nothing in this section shall authorise the inclusion in any such lease of lands held in freehold by any person, or any area in respect of which any mining privilege has been heretofore granted and is now in force.

Races and other Mining Privileges in respect of Water.

104. Subject to the provisions of this Act and of Part XI of "The Public Works Act, 1908" (which said Part XI is hereby incorporated herewith), the Warden, on application in that behalf, may, in respect of Crown lands, public reserves, endowments, Native lands, or private lands, grant mining privileges of any of the following descriptions in respect of water :—

Water-race licenses :

Tail-race licenses :

Main tail-race licenses :

Dam licenses :

Drainage-area licenses :

Such other descriptions of licenses as are prescribed.

105. A water-race license shall, during its currency, entitle the licensee to cut, construct, and maintain a water-race, or use as a water-race any natural channel, on the land specified in the license ; and also, by means of such race, to take, divert, and use a specified number of sluice-heads of water from any watercourse on or running through or adjoining such land, in order to supply, sell, or dispose of such water for any of the purposes following, that is to say :—

Classes of licenses
in respect of water.

1905, No. 39 sec. 105
1905, No. 55, sec. 6

Water-race license.
1905, No. 39, sec. 106

Purposes for which
water may be used.

- (a.) Mining operations :
- (b.) Domestic purposes :
- (c.) Irrigation :
- (d.) Any industrial pursuit :
- (e.) Feeding or driving machinery, whether used for mining purposes or not :
- (f.) Constructing, maintaining, and supplying any tank, reservoir, railway, or tramway, or any houses or works connected therewith :

(g.) Any other purposes authorised by regulations or by the Warden :
Provided that no application to a Warden for the use of more than forty heads of water shall be granted except with the consent in writing of the Minister.

Tail-race license.
1905, No. 39, sec. 107

106. A tail-race license shall, during its currency, entitle the licensee to cut, construct, maintain, and use a race in order to carry off water, tailings, sludge, and other refuse from mining operations, or to serve as a ground sluice or race for saving gold :

Provided that the licensee shall not be entitled to treat any portion of such tail-race as a ground sluice or race for saving gold excepting such portion as is distinguished for that purpose with reasonable particularity both in the application and the license.

Main tail-race
license.
Ibid, sec. 108

107. A main tail-race license shall, during its currency, entitle the licensee to cut, construct, and maintain a race in order to carry off from such claims or tail-races as are specified in the license any water, tailings, sludge, or other refuse from mining operations.

Dam license.
Ibid, sec. 109

108. A dam license shall, during its currency, entitle the licensee to excavate, construct, maintain, and use a dam for the storage of water for any of the purposes for which a water-race license may be granted :

Provided that, except in a mining district, no such dam shall be constructed across a stream.

Drainage-area
license.
Ibid, sec. 110

109. A drainage-area license shall, during its currency, entitle the licensee to the exclusive right to collect and store the water that naturally lies within, or falls upon, or percolates through the area of land specified in the license (hereinafter referred to as "drainage-area").

Power to occupy
land forming course
of race or site of
dam.
Ibid, sec. 111

110. (1.) For the purposes of the construction, maintenance, and improvement of the race or dam for which any such license as aforesaid is granted, and the deposit of soil and other matter removed therefrom, such license shall, during the currency thereof, entitle the licensee to occupy the land forming the course of such race or, as the case may be, the site of such dam, and also such other land as is specified in that behalf in the license.

(2.) The area of such other land shall not exceed,—

(a.) In the case of a race, a strip twenty feet wide along the entire length of the course of the race, and measured either wholly on one side of its course or partly on one side and partly on the other, but so nevertheless that at no point in the course shall the total width measured on both sides exceed twenty feet, or such greater width as the Warden may prescribe ; and

(b.) In the case of a dam, a strip twenty feet wide measured on each outer face of the dam.

111. In every case where the application for any such license relates to private land the applicant shall publish a copy of the application twice in a newspaper circulating in the district and once in the *Gazette*, the publication in the *Gazette*, and also the first publication in the newspaper, being made not later than fourteen clear days before the day of hearing.

Mode of application when license relates to private land.
1905, No. 39, sec. 112

112. In every case where any such application relates to private land, or where any person's interests may be affected by the grant of the proposed license or the exercise by the proposed licensee of the rights to be conferred on him by such license, the following special provisions shall apply :—

Special provisions as to applications.
Ibid, sec. 113
1905, No. 55, sec. 7

(a.) Any owner or occupier of such private land, or any person whose interests are affected as aforesaid, may, in the prescribed manner and within the prescribed period, object to the grant of the license.

Objections.

(b.) In such case the Warden in his discretion may postpone the application until he has received from a surveyor, or other competent person appointed by the Warden in that behalf, a report as to the applicant's compliance with the prescribed conditions, and also as to the reasonableness of the objections.

Report on application.

(c.) The costs of and incident to such report shall in the first instance be paid by the applicant, but if after considering the report the Warden is of opinion that the objections were frivolous he may order the costs to be paid in whole or in part by the objector, and the same shall be payable accordingly in terms of such order. The Warden may require the applicant to deposit security for such costs before they are incurred.

Cost thereof.

(d.) Every owner or occupier of such private land shall be entitled to full compensation from the licensee for all actual and prospective loss or damage suffered by reason of the grant of the license or the exercise by the licensee of the rights thereby conferred on him.

Compensation.

(e.) Such compensation shall be payable by the licensee before he proceeds to act in any way under his license, and the amount thereof shall in each case be determined in such manner as is agreed on between the licensee and the claimant :

Provided that if such amount is not determined as aforesaid within one month after the issue of the license, the Warden, on the application of any of the parties concerned, may, with two Assessors, one to be appointed by each of the parties, proceed to determine the same in such manner as they think fit, and such determination shall be final and conclusive :

Provided also that with the consent of both parties the amount may be assessed by the Warden at or after the hearing of the application, and in such case it shall not be necessary to appoint Assessors.

(f.) For the purposes of this section the owner or occupier shall not require the qualification of a miner's right.

Procedure when
compensation to be
determined by
Warden and
Assessors.

1905, No. 39, sec. 114

113. In every case where the amount of such compensation is to be determined by the Warden and two Assessors the following special provisions shall apply :—

- (a.) If any party fails or neglects to appoint an Assessor within seven days after being requested by the Warden so to do, the Warden may appoint an Assessor in his stead.
- (b.) If the Assessor appointed by any party or by the Warden dies or resigns, or refuses to act, or becomes incapable of acting, the party or Warden who appointed him may appoint an Assessor in his stead.
- (c.) The Warden shall fix and direct the procedure for determining the amount of the compensation, and shall also fix the reasonable costs of the proceedings (including Assessors' fees), and direct how and by whom the same shall be paid.
- (d.) The amount of the compensation shall be determined by the Warden and Assessors, or by a majority of them, and such determination shall be final and conclusive :

Provided that if a majority cannot agree, then the Warden shall notify the parties to that effect, whereupon the Assessors shall be deemed to be discharged, and each party shall appoint a fresh Assessor.

- (e.) The fresh Assessors, with the Warden, shall proceed to determine the amount of the compensation in the same manner and subject to the same provisions as in the case of the original Assessors.
- (f.) The provisions of this section shall apply to claims for compensation pending or not finally disposed of on the coming into operation of this Act.

114. With respect to every drainage-area and the license therefor the following provisions shall apply :—

- (a.) The drainage-area comprised in the license shall in no case include any stream.
- (b.) The license shall in no case be granted except to the holder of a license for a water-race or dam, and for the purpose of supplying water to such race or dam :

Provided that in the case of applications for both descriptions of licenses they shall be dealt with simultaneously, and for that purpose one application may be postponed until the other is ready to be dealt with.

- (c.) Notwithstanding the existence of a drainage-area license, the drainage-area comprised therein shall continue to be available for mining, leasing, occupation, and all other the purposes and privileges of this Act, in the same manner and to the same extent in all respects as if no such license had been granted :

Provided that the previous consent of the Warden shall in each case be necessary, and that in granting such consent he shall impose such terms and conditions as he deems expedient in order to preserve to the licensee of the drainage-area the reasonable exercise of the rights conferred by his license.

Conditions of grant
of drainage-area
license.

Ibid, sec. 115

115. Every license for any mining privilege in respect of water shall be deemed to be granted and shall be held subject to the provisions following, so far as they are applicable thereto, that is to say :—

Conditions of license
in respect of water.
1905, No. 39, sec. 116

- (a.) In any case where the licensee of any race desires to alter or extend the course of the race the same steps shall be taken and the same provisions shall apply as in the case of an original application for a license :

Alterations and
extensions.

Provided that, in lieu of issuing a fresh license in respect of such alteration or extension, the Warden, if he thinks fit so to do, may indorse the particulars thereof on the original license ; such indorsement shall be registered, and shall thereupon have the same effect as if it formed part of the original license :

Provided also that for the purposes of this paragraph the grant of a right to an increased supply of water shall not be deemed to be an alteration or extension of the course of the race.

- (b.) The licensee of any race shall at all times during the term of his license keep such race in good repair, and also erect and maintain to the satisfaction of the Warden a sufficient bridge at every point where any road in ordinary use at the time of the construction of such race crosses such race, or where, in the opinion of the Warden, a bridge is reasonably required for public or private convenience.

Bridges.

- (c.) In any case where the water flowing in any watercourse is insufficient to fully supply all the races lawfully connected therewith, the owner of any water-right in respect of such watercourse shall, on receipt of a written notice from the owner of a superior water-right stating that the supply of water in respect of such superior right is less than he is entitled to, forthwith cease to use the water or so much thereof as is required in order to make up the full supply in respect of such superior right, and if he fails or neglects so to do he shall be deemed to be wrongfully using such water, in which case the owner of such superior right shall be entitled to recover damages for loss of water, and also to restrain by injunction the owner wrongfully using the same.

Priority of right.

- (d.) No license shall be deemed to confer any right to the use of water as against any person requiring a reasonable quantity for his own domestic use ; and if any question arises as to what is a reasonable quantity the Warden shall decide.

Reservation.

- (e.) Subject to the provisions as to protection hereinafter contained, the construction of a race or dam shall be commenced within two months after the issue of the license therefor, and shall thereafter be continued with reasonable diligence until the work is completed :

Commencement of
work.

Provided that, in the case of a race or dam which is to be used for working a claim, the Warden may from time to time, on application in that behalf, extend the date of the commencement of its construction for such period as he thinks fit, having regard to the nature and extent of the operations on the claim.

Warden may extend
date of commence-
ment of work.

Limiting use as to quantity, or for certain months.

- (f.) The license for a water-race or dam may be granted subject to the condition that the water therein shall be used only in such quantities or during such months in each year as are specified in the license, and in such case non-user in terms of such conditions shall not be ground of forfeiture or evidence of abandonment :

In certain cases Warden may authorise greater use of water.

Provided that the Warden in his discretion may from time to time, on application in that behalf, but subject in every instance to all existing priorities and rights of other persons, authorise the licensee to use the water in greater quantity or at other times than those specified in the license.

Persons may use surplus of water on certain terms.

- (g.) In any case where the water available under any mining privilege granted under this Act in respect of water exceeds the quantity reasonably required by the person entitled thereto, the surplus shall be available for use by any other person on such terms as to price and otherwise as are agreed on between such person and the persons entitled, or as, in the absence of agreement, are fixed by the Warden on the application of any of the persons concerned.

License may be revoked.

- (h.) In any case where the Governor is satisfied that the water diverted or used under any license is required by *bona fide* settlers, or for any public use or purpose, he may revoke such license and cause such water to be restored to its natural channel.

Compensation.

- (i.) In such case the licensee of the license so revoked, and also every person, including such licensee, whose mining or other lawful operations are injuriously affected by such revocation, shall be entitled to full compensation from His Majesty for all loss or damage thereby sustained.

Fixed quantity of water to be allowed to flow in natural bed for public use.
1905, No. 39, sec. 117

116. In any case where any race or dam is fed by a watercourse the following provisions shall apply :—

- (a.) On the application of any person being the owner or lawful occupier of any land on, through, adjoining, or within three chains of which such watercourse exists or runs, the Warden may order that any specified quantity of water, not exceeding one sluice-head, shall be allowed to flow in the natural channel or bed of such watercourse for public use.
- (b.) The licensee or holder of such race or dam shall obey such order forthwith upon being served therewith or with a duplicate thereof.
- (c.) Such order shall be subject to appeal at the instance of the licensee, holder, or any other person aggrieved thereby.

Other Provisions relating to Mining Privileges in respect of Water.

Water-race license may be granted temporarily for other purposes.
Ibid, sec. 118

117. On application duly made to him in that behalf in manner provided by section one hundred and sixty-five hereof, the Warden may change the purposes for which any water-race license is held for any other specified purpose or purposes for which such license may have been granted, subject to the proviso contained in paragraph (h) of section one hundred and fifty-five hereof, and subject also in every case to the approval of the Minister :

Provided that all such grants shall be subject to the condition that the right granted may at any time be revoked and the license restored to its original position if the water is required for mining purposes in the district.

118. In every case where a watercourse is, in whole or in part, situate within or on the boundary of any mining privilege, howsoever or whensoever acquired, the holder of such mining privilege shall not as such holder—

Discharge of
tailings into
watercourse.
1905, No. 39, sec. 119

- (a.) Be entitled to prevent the holder of any other mining privilege, howsoever or whensoever acquired, from discharging into such watercourse any tailings, *débris*, or waste water resulting from his mining operations in connection with such other mining privilege; nor
- (b.) Have any right of action against the holder of such other mining privilege by reason of such tailings, *débris*, or waste water being so discharged.

119. In any case where a water-race acquired under this or any former Mining Act is connected with or fed by any watercourse in a district other than the Hauraki District, the following provisions shall apply:—

No claim for
discharge of tailings
into watercourse
above race.
Ibid, sec. 120

- (a.) Tailings and other *débris* or waste water from mining operations may be discharged into such watercourse at a distance of not less than five chains above the head of such race, but so nevertheless as not to prevent the flow of water therein or therefrom, nor to directly injure such race otherwise than by polluting the water.
- (b.) The licensee or holder of such race shall have no claim to damages or compensation by reason of tailings being discharged as aforesaid, nor by reason of the water in such race or watercourse being polluted by any such mining operations.

120. Notwithstanding anything hereinbefore contained, it is hereby declared as follows:—

Water-supply of city
or town not to be
polluted.
Ibid, sec. 121

- (a.) It shall not be lawful to pollute the water in any water-race, or in any watercourse with which such race is connected or by which it is fed, if such race is held by a local authority for the purpose of supplying water to the inhabitants of any city, town, or township.
- (b.) The last preceding paragraph shall not apply in the case of any watercourse duly proclaimed a watercourse into which tailings, mining *débris*, or waste water may be discharged, nor in the case of any tail-race discharging into any watercourse below the point at which any water-race is connected with or fed by such watercourse.
- (c.) In any case where the Warden is of opinion that it would be against the public interest to grant a license for a tail-race discharging into any watercourse, he may, in his discretion, refuse to grant the same, whether the application therefor is opposed or not.
- (d.) On the recommendation of the Warden the Minister may, by notice in the *Gazette*, withdraw any watercourse from the operation of this or the last preceding section.

Tailings not to be discharged into river within five chains of bridge.

1905, No. 39, sec. 122
1905, No. 53, sec. 287

121. (1.) Notwithstanding anything to the contrary in this or any other Act, or in any Proclamation or Order in Council issued thereunder respectively, it shall not be lawful for any person to discharge or cause to be discharged any tailings, mining *débris*, or waste water into any watercourse at any point or place within five chains from any bridge (or such shorter distance as in special instances may be authorised in writing by the Minister of Public Works or the local authority, as the case may be, having the control of such bridge) in such manner as to directly injure any such bridge.

(2.) For the purposes of this section "bridge" means any bridge, or the approaches thereto, open to the public or used for any railway or public tramway, or in connection with any public work whatsoever.

(3.) Every person committing a breach of any of the provisions of this section is liable as for committing an injury to a public work, and may be proceeded against accordingly.

Water-race Licenses under former Mining Acts.

Special provisions saving water-race licenses issued under former Mining Acts.
1905, No. 39, sec. 123

122. Every water-race license granted under any former Mining Act, and validly subsisting on the first day of February, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Mining Act, 1898"), shall, if still subsisting at the date of the coming into operation of this Act, be deemed to have been lawfully granted under this Act, and the provisions hereof shall accordingly apply, subject, however, to the following special modifications:—

- (a.) The licensee's priorities and other rights in respect of the race and the water (including his right to use, sell, or otherwise dispose of the water) shall continue as they were immediately prior to the date first aforesaid.
- (b.) If the license was granted for a specified term of years with provisions for renewal, those provisions shall continue to apply.
- (c.) If the license was granted for the term of one year, or without reference to any specified term of years, but in either case with provisions for annual renewal by renewal of registration or otherwise, those provisions shall not continue to apply, but, in lieu thereof, the license shall be deemed to have been granted for a term of years commencing on the date of the original grant and expiring on the first day of February, one thousand nine hundred and forty-one (being forty-two years from the date first aforesaid).
- (d.) The provisions of this Act relating to exchange of title shall apply.
- (e.) It shall not be necessary to renew the registration or to hold a miner's right.

Water-races belonging to Local Authorities.

Local authority may hold water-race.
Ibid, sec. 124

123. Without in any way affecting the provisions of "The Public Works Act, 1908," relative to water-races, the following provisions shall apply in the case of any local authority:—

- (a.) In any mining district the local authority may, by purchase, application, or otherwise, acquire and hold, or having here-

tofore acquired (whether in its own name or in the name of any person as trustee for the local authority) may hold, any license or any mining privilege in respect of water for any purpose authorised under this Act, or for the purpose of enabling such authority to more effectually exercise all such rights to the use of water, or the construction of works connected therewith, as have been or may hereafter be vested in such authority by virtue of any Act or Order in Council.

- (b.) Subject to the modifications in this section hereinafter contained, every such license shall confer upon the local authority the same rights, powers, and remedies, and impose upon it the same liabilities, as in the case of a private person. Rights and liabilities.
- (c.) The local authority may, by resolution, delegate to a committee of not less than five nor more than seven persons all or any of the powers conferred upon such local authority by this Act or by any such license. Delegation of powers to committee.
- (d.) A notice in the *Gazette*, purporting to be signed by the Chairman or Mayor of such local authority, shall be sufficient evidence of the appointment of such committee and of the powers conferred upon it.
- (e.) Subject to prescribed regulations, such committee may regulate its own procedure.
- (f.) It shall not be necessary for the local authority or any such committee to take out or hold any miner's right in order to enable it to avail itself of the provisions of this section.
- (g.) Every such license, whilst held by the local authority or any such committee, shall be exempt from the provisions of this Act relating to the payment of fees and the liability to forfeiture or abandonment.
- (h.) It shall not be necessary to renew any such license, but it shall continue in force (notwithstanding the expiration of the nominal term thereof) until the local authority by resolution relinquishes the same or, on the recommendation of the Warden, the Minister, by notice in the *Gazette*, declares the license to be cancelled. Renewal of license unnecessary.
- (i.) The local authority shall have authority and control over the entire length of any water-race held by it, notwithstanding that such race may extend beyond the limits of the district within which such local authority has jurisdiction.
- (j.) The local authority shall cause a separate account to be kept of the receipts and expenditure of any mining privilege in respect of water; and the net surplus receipts shall be appropriated exclusively for the maintenance or extension of the mining privilege from which they are derived, or for acquiring, constructing, or maintaining other mining privileges in respect of water within the same mining district, or for the development of the mining industry therein. Appropriation of receipts.
- (k.) The local authority shall, in respect of any mining privilege in respect of water held by it, fix by special resolution the price payable for water supplied therefrom. Such price shall be fixed with the approval of the Governor, and shall not Price of water.

Alienation
forbidden.

be altered without his consent; and all moneys payable in respect thereof may be recovered by the local authority as a debt by suit in the Warden's Court.

- (l.) Except in the case of security for loans granted by the Minister of Finance under "The Local Bodies' Loans Act, 1908," or any former Act passed for like purposes, it shall not be lawful for the local authority holding any mining privilege in respect of water to in any way incumber or transfer the same; and every incumbrance or transfer in breach of this section shall be absolutely void.

Certain water-races
or sludge-channels
may be disposed of
or vested in local
bodies.

1885, No. 49, sec. 6

124. The Governor may by Order in Council dispose of by public tender any water-races or sludge-channels vested in the Crown on the twenty-second day of September, one thousand eight hundred and eighty-five (being the date of the coming into operation of "The Local Bodies' Finance and Powers Act, 1885"), or may vest the same in any local body, or in any number of local bodies united for that purpose, with all the revenues and other rights and benefits accruing from or annexed to the same; but so that every such water-race or sludge-channel shall continue to be liable to all conditions as to uses and otherwise as are declared and directed in that behalf by such Order in Council.

Water-race vested
in local body or
county may be
revested in Crown.

1905, No. 39, sec. 125

125. (1.) In any case where at any time the Governor,—

By Order in Council under section six of "The Local Bodies' Finance and Powers Act, 1885," or under the last preceding section, has vested any water-race in any local body or in any number of local bodies united for that purpose; or

By Proclamation under section two hundred and sixty-two of "The Public Works Act, 1908," or the corresponding section of any former Act passed for like purposes, has vested any water-race in the Corporation of any county, or jointly in the Corporation of two or more counties,—

he may at any time in like manner, but in every case with the consent of the local bodies or Corporations concerned, revest such water-race in the Crown.

(2.) From the date of the gazetting of the revesting Order in Council or Proclamation made in that behalf the water-race therein mentioned shall revest in the Crown; and at any time thereafter the Governor may by Order in Council dispose of the same by public tender, as provided by the last preceding section.

(3.) No compensation shall be payable in respect of the revesting of any water-race in the Crown under the provisions of this section.

As to setting apart Watercourses for Discharge of Tailings.

Watercourse may
be set apart for
discharge of tailings.

Ibid, sec. 126

126. On application made to him in that behalf by any person, the Governor, in his discretion, may from time to time by Proclamation constitute and set apart the whole or any part of any watercourse, whether the same is within or outside of any district, to be a watercourse into which may be discharged any tailings, debris, and waste water produced by or resulting from mining operations carried on under this Act, and in which, or on the banks of which, mining operations may be lawfully carried on.

Notice of application
therefor.

Ibid, sec. 127

127. (1.) On receipt of such application the Governor, if he considers that it may prove expedient to make the Proclamation, shall,

by notice published in the *Gazette*, and also in some newspaper circulating in the locality of the watercourse,—

(a.) Specify the fact of the application having been made, and the name, locality, and description of the watercourse to which it relates; and also

(b.) Require every person who objects to such Proclamation being made, or whose land or riparian or other rights in respect of such land will be damaged or injuriously affected by the operation thereof, to serve on the Minister, within the period of ninety days after the publication of such notice in the *Gazette*, full particulars of such objection, and also a claim in the prescribed form, setting forth full particulars of all compensation that will be claimed by him in the event of such Proclamation being made; and also

Objectors to forward claims to compensation.

(c.) State that no person will be entitled to any compensation for damage or injury consequent on the operation of such Proclamation unless his claim is duly served in the manner and within the period aforesaid.

(2.) For the purpose of insuring further publicity the Minister shall cause a copy of such notice to be affixed in some conspicuous part of each post-office in the locality of the watercourse, and shall also cause a copy to be posted by registered letter to each person, as far as known, whose land is likely to be injuriously affected by the operation of the proposed Proclamation:

Notice to be posted.

Provided that no person shall have any right or claim by reason merely of the fact that this subsection has not been complied with.

(3.) No further or other claim shall be made or served than the claim which, as required by the aforesaid notice, is duly served in the manner and within the period aforesaid.

128. In such notice, and also in such Proclamation, the watercourse may be described in general terms; and if at any time any question arises as to whether any specified watercourse or portion thereof is comprised in such notice or Proclamation, the Governor in Council shall decide, and such decision, notified in the *Gazette*, shall be final and conclusive.

Watercourse may be described in general terms.

1905, No. 39, sec. 128

129. Such Proclamation, if made, shall not be made sooner than three months nor later than eighteen months after the date of the gazetting of the aforesaid notice, nor until all objections and claims duly served as aforesaid have been laid before the Governor in Council; and it shall take effect on and from a day to be named therein, being not sooner than the thirtieth nor later than the ninetieth day after the gazetting thereof.

When Proclamation may be made.

Ibid, sec. 129

130. Every person who at the date of the gazetting of such Proclamation is the owner of any estate or interest in land on which such watercourse exists, or through or past which it runs, and whose land or riparian or other rights as such owner may be damaged or injuriously affected by reason of the operation of such Proclamation, after the date of the gazetting thereof shall be entitled to full compensation from His Majesty for such damage or injury:

Owner of land injuriously affected entitled to full compensation.

Ibid, sec. 130

Provided nevertheless as follows, that is to say:—

(a.) That no person shall be entitled to compensation unless he either duly serves his claim on the Minister in the manner

and within the period specified in the aforesaid notice, or derives title from a person who duly did so ; and also

- (b.) That the compensation payable shall in no case exceed the amount specified in such claim ; and also
- (c.) That for the purposes of this section the holder of a mining privilege shall not by virtue of such mining privilege be deemed to have any estate or interest in the land comprised therein.

Compensation not to exceed improved value of land.
1905, No. 39, sec. 131

131. With respect to every claim for compensation for any such damage or injury the following special provisions shall apply :—

Minister may take land as if for public work.

- (a.) In no case shall the total amount payable in respect of any such claim exceed the amount of the improved value of the claimant's estate or interest in the land, according to the valuation thereof in force for the purposes of "The Valuation of Land Act, 1908," at the date of the gazetting of such Proclamation ; or, if the Minister or the claimant desires, then according to a valuation as at that date to be made under that Act.
- (b.) In the event of the Minister and the claimant being unable to agree as to the amount of compensation, the Minister, if he thinks fit so to do, may cause the whole or any portion of the land for all the claimant's estate and interest therein to be taken compulsorily on behalf of His Majesty, under "The Public Works Act, 1908," as land required for a public work.

Amount payable.

- (c.) The compensation for the land so taken, or, as the case may be, for all such damage and injury as aforesaid, shall be payable under this Act :

Provided that if only a portion of the claimant's land is so taken, and the value of the residue is thereby depreciated by severance or otherwise, the compensation to which he is entitled shall include compensation for such depreciation, anything hereinbefore contained to the contrary notwithstanding.

Disposal of land.

- (d.) The Minister may cause the whole or any part of the land so taken to be disposed of under any of the provisions of "The Land Act, 1908," or to be paid for out of the Land for Settlements Account and disposed of under "The Land for Settlements Act, 1908" :

Provided that the total amount which may be expended out of the Land for Settlements Account in respect of land under this section shall not exceed ten thousand pounds in any one financial year.

Deficiency.

- (e.) If the land so disposed of or paid for does not thereby realise the full amount of the compensation hereinbefore provided for, the deficiency shall be paid as the Minister recommends, either wholly out of the Consolidated Fund or in equal portions out of that fund and the goldfields revenue of the district wherein the land is situate.

Statement of amounts expended.

- (f.) Not later than twenty days after the commencement of each session of Parliament there shall be laid before both Houses a detailed statement showing the respective amounts ex-

pended out of the Consolidated Fund and the Land for Settlements Account under this section during the then last preceding financial year.

132. Notwithstanding anything hereinbefore contained, the following special provisions shall apply in the case of land heretofore or hereafter alienated from the Crown, whether by way of absolute sale or for any lesser estate or interest :—

No compensation or riparian rights as to certain alienated lands.

1905, No. 39, sec. 152

(a.) In the case of land so alienated on or at any time after the twenty-first day of October, one thousand eight hundred and seventy-five, no person shall be deemed to have any right or title to the flow of any watercourse constituted and set apart as aforesaid by Proclamation under this Act or any former Mining Act which would interfere with or prejudice the right of the holder of any mining privilege to discharge into such watercourse any tailings, mining *débris*, or waste water produced or used in or upon such mining privilege.

(b.) In the case of land so alienated on or at any time after the twenty-third day of December, one thousand eight hundred and eighty-seven, such alienation shall be deemed to be and to have been made subject to the full and free right of any person lawfully engaged in mining operations under this Act or any former Mining Act to discharge into any watercourse existing on or running through or past such land, whilst and whenever such land is situate in a district, any tailings, mining *débris*, or waste water produced by or resulting from such mining operations.

(c.) In the case of land so alienated at any time after the first day of February, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Mining Act, 1898"), such alienation shall be deemed to be made subject to the reservation in favour of His Majesty of all riparian rights in respect of such land whilst and whenever such land is situate in a district.

133. Subject to the foregoing provisions of this Act, all claims for compensation against His Majesty arising by reason of the operation of any such Proclamation as aforesaid shall be assessed and disposed of in manner provided by Part VII of this Act.

Compensation to be assessed under Part VII.

Ibid. sec. 133

134. In every case where the amount of the compensation has been duly assessed or arrived at, the payment or tender thereof shall absolutely bar the claimant, and all persons deriving title through him to the land to which the claim relates, from all further or other claims or remedies of any kind whatsoever for any damage or injury (past, present, or future) arising in any manner to such land, or to any riparian or other right in respect thereof, by reason of the operation of such Proclamation or of any subsequent Proclamation relating to the same watercourse.

Further claims barred.

Ibid. sec. 134

135. With respect to watercourses which by Proclamation under this Act or any former Mining Act are constituted and set apart as watercourses for the discharge of tailings, *débris*, and waste water produced by or resulting from mining operations, the following provisions shall apply :—

Provisions as to watercourses for the discharge of tailings, &c.

Ibid. sec. 135

(a.) In the case of every watercourse heretofore or hereafter constituted and set apart as aforesaid, such mining operations shall be deemed to include and to have included those carried on in the watercourse as well as those carried on outside the same.

(b.) In the case of every watercourse hereafter constituted and set apart as aforesaid, it shall be deemed to be also constituted and set apart for the carrying-on of mining operations, and the Proclamation shall accordingly operate to confer upon the holder of any mining privilege which is situated wholly or in part in the watercourse or on its bank full and free right and liberty to carry on his mining operations as such holder, notwithstanding that they are carried on in the watercourse or on its bank.

Auld's Creek
excepted as a tailings
watercourse.

1905, No. 39, sec. 136

136. It is hereby declared that the Proclamation dated the twenty-fifth day of July, one thousand nine hundred and one, constituting and setting apart the river known as the Inangahua River, together with all its tributaries, excepting Pattinson's and Phillips's Creeks, to be watercourses into which may be discharged tailings, *débris*, and waste water resulting from mining operations, shall hereafter be read and construed as if Auld's Creek had been excepted from the operation of such Proclamation.

Business-sites and other Mining Privileges in respect of Land.

Business, residence,
and special sites.

Ibid, sec. 137

137. The Warden, on application in that behalf, may grant mining privileges of any of the following descriptions in respect of unalienated Crown lands in a mining district, that is to say :—

Business-site licenses :

Residence-site licenses :

Special-site licenses :

Provided that no such license shall be granted in respect of any site that in the opinion of the Warden is required for mining purposes, or if in the opinion of the Warden the grant would interfere prejudicially with mining operations.

Purposes of licenses
to be specified
therein.

Ibid, sec. 138

138. Every such license shall, during its currency, entitle the licensee to the exclusive occupation of the surface of the land comprised therein for the purpose specified in the license, and such purpose shall be,—

(a.) In the case of a business-site, to carry on there any business :

(b.) In the case of a residence-site, to reside thereon and use and cultivate the same as a home :

(c.) In the case of a special site, to facilitate mining operations on a claim in such manner, whether by using the site as a battery-site, a machine-site, a site for the deposit or treatment of gold or tailings, or otherwise as is specified in the license.

Area and
dimensions.
Ibid, sec. 139

139. The area and dimensions of the land comprised in such licenses shall be such as the Warden thinks fit, but such area shall not exceed,—

In the case of a business-site, one-quarter of an acre :

In the case of a residence-site, one acre :

In the case of a special site, five acres.

140. With respect to business-sites and the licenses therefor the following provisions shall apply :—

Conditions of
business-site
licenses.
1905, No. 39, sec. 140

- (a.) The applicant for the license shall mark out the land before filing his application.
- (b.) The license shall in every case be granted with reference to the site specified therein at the time of the grant.
- (c.) In no case shall the license comprise more than one business-site.
- (d.) The licensee shall pay in respect of the license a license fee at the rate of three pounds for every year of the term.

141. Any person may lawfully carry on business in a mining district without being the holder of a business-site license.

Business may be
carried on in mining
district without a
license.
Ibid, sec. 141

142. With respect to residence-sites and the licenses therefor the following provisions shall apply :—

- (a.) The licensee shall pay in respect of the license a license fee for every year of the term at the same rate as in the case of a miner's right :

Conditions of
residence-site
licenses.
Ibid, sec. 142
1905, No. 55, sec.
8 (a)

Provided that the licensee shall not be liable to pay the license fee for any period during which he is the holder of a miner's right :

Provided also that the Warden may impose a condition that if the licensee carries on business on the site to which the license relates he shall pay a fee of three pounds in addition to the residence-site license fee. All similar conditions heretofore imposed by any Warden are hereby validated.

- (b.) Subject to the provisions hereinafter contained as to claim-holders, no person shall, except with the consent of the Warden, hold more than one such site at any one time.
- (c.) In any case where two or more residence-sites adjoin one another, and the licensees thereof so desire, such sites may, if the Warden so orders, be deemed to be one amalgamated residence-site, nevertheless for the purposes only of compliance with the prescribed conditions as to occupation and for the period only during which all the licensees reside on such amalgamated site.

143. With respect to business-sites and residence-sites, and the respective licenses therefor, the following provisions shall apply :—

Business and
residence sites, if
unsurveyed, held on
sufferance.
1905, No. 39, sec. 143

- (a.) If the site comprised in the license has not been surveyed, it shall be held on sufferance, subject to survey under the provisions in that behalf contained in section one hundred and forty-five hereof; and the whole or any part of the site may, without compensation, be taken for streets or reserves, if so required for public convenience, on such survey being made.
- (b.) The holder of a business-site or residence-site under this Act or any former Mining Act shall be deemed to be an occupier within the meaning of "The Rating Act, 1908," and shall be liable to pay rates in respect of such site accordingly.

Holder liable for
rates.

144. For the purpose of providing homes for the workmen employed in a claim the following special provisions shall apply :—

Residence-sites for
workmen's homes.
Ibid, sec. 144

- (a.) The Warden may grant to the holder of any such claim as many residence-site licenses as the Warden thinks reasonable, having regard to the number of such workmen.

- (b.) Such licenses shall be held by the claimholder, and the land comprised therein shall be available as residence-sites for his workmen, subject to such terms and conditions as are specially prescribed.

Warden may set apart lands for business and residence sites.

1905, No. 39, sec. 145

145. The Warden may from time to time, as he thinks fit, set apart land for business-sites and residence-sites respectively, and cause the same to be surveyed and laid out into such allotments, reserves, streets, and right-of-ways as in his opinion public convenience requires; and with respect to such allotments the following provisions shall apply:—

- (a.) In no case shall the area of any such allotment exceed the maximum area hereinbefore prescribed.
- (b.) All such allotments shall be numbered and marked as business-sites or residence-sites, as the case may be, and shall be open for application accordingly on and after a day to be appointed and publicly notified by the Warden.
- (c.) For the purposes of such application it shall be sufficient if the allotment applied for is identified by its number, situation, and area, without marking out the ground.
- (d.) In any case where the Warden is of opinion that any allotment set aside as a business-site or residence-site is not required for that purpose he may withdraw it, and in such case it shall cease to be subject to the foregoing provisions of this section.

Certain towns excepted.

Ibid, sec. 146

146. The provisions of this Act relating to business-sites, residence-sites, and special sites shall not apply within the limits of the Towns of Shortland, Grahamstown, and Tararu, as such limits are defined in a Proclamation gazetted on the sixth day of January, one thousand eight hundred and seventy-two.

Timber-cutting Rights.

Warden's and Land Board's timber-areas.

Ibid, sec. 147

147. Subject to regulations under this Act, the Governor may from time to time define and specify in any mining district areas (hereinafter referred to as "Warden's timber-areas") within which timber licenses and other timber-cutting rights may be granted under this Act exclusively, and other areas (hereinafter referred to as "Land Board's timber-areas") within which timber licenses and other timber-cutting rights may be granted under sections three hundred and seven and three hundred and twelve of "The Land Act, 1908," exclusively.

Application of rents, fees, and royalties.

Ibid, sec. 148

148. All rents, royalties, and fees received in respect of timber-cutting rights shall be deemed to be goldfields revenue in the case of rights granted within the Warden's timber-areas, and territorial revenue in the case of rights granted within the Land Board's timber-areas:

Provided nevertheless as follows:—

- (a.) In the case of timber-cutting rights granted in respect of land which, pursuant to the contract between Her late Majesty and the New Zealand Midland Railway Company (Limited), was set apart as reserves for mining purposes, the rents, royalties, and fees shall be deemed to be goldfields revenue, notwithstanding that the land may be within the Land Board's timber-areas.
- (b.) In every case where, under any provision of this Act or any other Act, any Harbour Board or person is entitled to the rents,

royalties, and fees received for mining privileges in respect of any land, such Board or person shall also be entitled to the rents, royalties, and fees received for timber-cutting rights granted in respect of such land; and the same shall, in the prescribed manner, be paid over to such Board or person accordingly, and shall not be deemed to be territorial revenue.

149. In any case where the Governor is of opinion that applications for timber-cutting rights within a Land Board's timber-area may be dealt with by the Warden more conveniently than by the Land Board, he may authorise and direct the Warden to deal with and dispose of the same on behalf of the Land Board, and in such case the following provisions shall apply, anything hereinbefore contained to the contrary notwithstanding:—

(a.) The application shall be made and disposed of in the same manner in all respects as if the area were a Warden's timber-area, save that the ultimate disposition of the rents, royalties, and fees shall not be affected, and that the Warden, when signing any license, warrant, or other document relating to the grant of any timber-cutting right, shall state on the document that he does so on behalf of the Land Board.

(b.) Subject to the foregoing modifications, the timber-cutting rights granted by the Warden on behalf of the Land Board shall operate and have effect as timber-cutting rights granted under this Act, and the provisions of this Act and the regulations hereunder shall apply accordingly.

(c.) The Land Board shall not grant any timber-cutting rights within the area.

150. The Receiver to whom the rents, royalties, and fees in respect of timber-cutting rights are paid shall keep separate accounts for the respective funds to which the rents, royalties, and fees belong.

151. (1.) A license for a tramway for the purpose of conveying timber from the bush in which it is felled may be granted by the Warden or the Land Board, as the case may be, to any person who holds a license for cutting timber.

(2.) Such license shall be in such form and subject to such conditions as are prescribed by the regulations for tramways for mining purposes.

152. The Governor may from time to time make regulations for the purpose of giving full effect to the foregoing provisions relating to timber-cutting rights.

Other Mining Privileges.

153. (1.) In addition to the mining privileges elsewhere specifically provided for by this Act, there may be granted under this Act licenses for tramways and such other descriptions of mining privileges as are specified by regulations under this Act.

(2.) All such additional mining privileges shall be granted upon such terms and conditions, not inconsistent with this Act, as are prescribed by regulations.

(3.) Nothing in "The Tramways Act, 1908," shall apply to licenses for tramways under this Act.

Warden may deal with applications on behalf of Land Board in certain cases.

1905, No. 39, sec. 149

Separate accounts to be kept.

Ibid, sec. 150

Tramway licenses for timber.

Ibid, sec. 151

Regulations.

Ibid, sec. 152

Licenses for tramways and other mining privileges.

Ibid, sec. 153

As to Surrender, Exchange, and Amalgamation of Mining Privileges.

Mining privileges
may be surrendered.
1905, No. 39, sec. 154

Apportionment of
rent in case of
surrender.

Moneys refunded,
how payable.

Mode of substitution
of titles under this
Act for titles under
former Act without
loss of priority.
Ibid, sec. 155

154. (1.) The holder of any mining privilege granted or acquired under either this Act or any former Mining Act may, in the prescribed manner, surrender the same or any part thereof, provided that such surrender shall not in any way release him from liability for all sums owing in respect of rent, fees, royalties, penalties, and otherwise under any such Act in respect of such mining privilege up to the date of such surrender.

(2.) In every case where such surrender is absolute and not for purposes of exchange of title, the liability for rent or fees shall be apportioned up to the date of the surrender, and the surrendering licensee shall be entitled to a refund of so much thereof as, having been paid in advance, covers any period subsequent to the date of the surrender.

(3.) All sums refunded as aforesaid shall be payable out of moneys to be appropriated by Parliament, and shall be deducted from any goldfields revenue thereafter payable to the local authorities or persons to whom the rent or fees were paid.

(4.) The surrender of part only of a mining privilege shall be indorsed by the Warden on the license, and thereafter the rental payable in respect of the mining privilege shall be proportionately reduced.

155. In order to facilitate the extinguishment of titles acquired under any former Mining Act prior to "The Mining Act, 1898," and the substitution therefor of titles under this Act, the following special provisions shall apply, anything elsewhere in this Act to the contrary notwithstanding :—

(a.) On application to the Warden, and with his consent, the holder of any mining privilege granted or acquired under such former Mining Act may surrender the same, and obtain in exchange therefor a license under this Act for a mining privilege corresponding in area and subject-matter to the mining privilege so surrendered.

(b.) In the case of a licensed holding or business license respectively under such former Mining Act, the respective corresponding mining privilege under this Act shall be a special-claim or a business-site license.

(c.) Such application shall be made in the prescribed manner, and shall specify or identify the area, dimensions, situation, and name of the existing mining privilege to be surrendered, and the nature of the title under which it is held, and also the name of the proposed corresponding mining privilege.

(d.) The ground, if already marked out or surveyed for the purposes of the existing mining privilege, shall be deemed to be marked out or surveyed for the purposes of the application :

Provided that the Warden may direct a fresh marking-out or survey to be made if he thinks fit.

(e.) Before granting such application the Warden shall be satisfied, *inter alia*,—

(i.) That the mining privilege to be surrendered is validly subsisting, and is neither abandoned by operation of law nor liable to forfeiture ; and also

(ii.) That no proceedings are pending in respect of such abandonment or forfeiture ; and also

(iii.) That all sums in respect of rent, fees, royalties, penalties, and otherwise owing thereunder to His Majesty are fully paid up to the date of the surrender.

- (f.) Such application may, if the Warden thinks fit, be granted, although it appears that the applicant is entitled to such existing mining privilege at law only or in equity only.
- (g.) The license granted under this Act for such corresponding mining privilege shall be in such form as is specially prescribed, and simultaneously with the grant thereof the mining privilege for which it is exchanged shall be deemed to be surrendered.
- (h.) Such license shall confer the same priority of rights and be subject to the same incumbrances, liens, and interests as the surrendered mining privilege conferred and was subject to. All such priorities, incumbrances, liens, and interests shall be specified in or indorsed on such license, and be registered; and such specification or indorsement shall, subject to the right of appeal, be final and conclusive for all purposes :

Provided that in every case where the surrendered mining privilege is a water-race for mining purposes, and the corresponding mining privilege is a water-race for other than mining purposes, such license shall be subject to the condition that one-half of the total quantity of water for the time being available shall be at the disposal (but solely for mining purposes) of the persons holding inferior rights for mining purposes, and in the order of their priority *inter se*, on the payment of such fees to the licensee as the Warden prescribes.

- (i.) All references to such surrendered mining privilege in any document executed prior to such surrender shall, for the purpose of giving full effect to the provisions of the last preceding paragraph, be deemed to be references to such corresponding mining privilege and the license therefor.
- (j.) Subject as aforesaid, such license shall be granted for the same term and subject to the same fees, rent, royalty, and other payments, and to the same provisions and conditions, as in the case of a license granted under this Act pursuant to original application :

Provided that a due apportionment of rent or license fee paid under the surrendered license shall be made up to the date of the surrender, and so much thereof as embraces any part of the term of the new license shall be considered and allowed to the licensee in or towards satisfaction of his liability in respect of rent or license fee under the new license.

156. In every case where the area of the land comprised in the mining privilege to be surrendered for purposes of exchange exceeds the limit of area as fixed by this Act, the area of the land comprised in the corresponding mining privilege may to the same extent exceed such limit.

When area of exchanged land may exceed limit.
1905, No. 39, sec. 156

157. In every case where, in the computation of the area of the land comprised in the mining privilege to be surrendered for purposes of exchange, the roads existing thereon have been excluded, the following special provisions shall apply :—

Provisions where roads excluded from surrendered area.
Ibid. sec. 157

- (a.) The area of the land in the corresponding mining privilege shall include the estimated area of the roads, notwithstanding that the total area thus computed may exceed the area specified in the surrendered mining privilege or the limit of area as fixed by this Act.
- (b.) The license for the corresponding mining privilege shall specify the area of the land in the surrendered mining privilege, the estimated area of the roads, and the total area of the land in the corresponding mining privilege.
- (c.) It shall not be necessary to make any survey for the purpose of estimating the area of the roads, but the Warden shall estimate the same in such manner as he thinks fit.
- (d.) The license for the corresponding mining privilege shall be deemed to be granted and shall be held subject to the provisions of section two hundred and five hereof.

Amalgamation of
claims.
1905, No. 39, sec. 158

158. For the purpose of facilitating the working of adjoining claims of any description granted or acquired under this Act or any former Mining Act, or of simplifying the title thereto, the following provisions shall apply:—

- (a.) On application to the Warden, and with his consent, any such claims that are duly registered may, in the prescribed manner and subject to the prescribed conditions, be amalgamated into one claim:

Provided that the total area of the amalgamated claim shall not exceed the maximum area prescribed for a special claim of the same description.

- (b.) Before granting the amalgamation the Warden shall be satisfied that the amalgamation will facilitate the working of the claims to which the application relates or simplify the title thereto, and also that there has been expended in mining operations on each of the claims not less than such sum as is prescribed.
- (c.) The amalgamation shall be effected by surrendering the titles to the separate claims and obtaining in exchange therefor a license under this Act for the amalgamated claim.
- (d.) With respect to every such surrender and exchange the provisions of section one hundred and fifty-five hereof shall, *mutatis mutandis*, apply.
- (e.) With the consent in each case of the Minister, the foregoing provisions of this section shall apply to non-adjoining alluvial or dredging claims:

Provided that no such claim shall be amalgamated with another unless the nearest boundaries of both are within one mile of each other in the case of dredging claims, or within half a mile of each other in the case of any other description of alluvial claim.

As to Protection of Mining Privileges.

No liability during
period of protection
Ibid, sec. 159

159. Any duly registered mining privilege, or any specified portion thereof, which is protected under the provisions in that behalf hereinafter contained shall, during the period of protection, be deemed to be relieved from liability to abandonment or forfeiture for any cause

arising during such period other than intentional abandonment, or default in payment of royalty, rent, or license fees, or in maintenance of marks.

160. On application in that behalf by the holder of any duly registered mining privilege, the Warden may by certificate grant protection of such mining privilege or specified portion thereof; and with respect to every such application and certificate the following provisions shall apply :—

Warden may grant protection of mining privilege.

1905, No. 39, sec. 160

- (a.) The application shall be in the prescribed form, and shall specify the mining privilege or portion thereof to which it relates, the period during which protection is required, and the reasons for which the application is made.
- (b.) If the period applied for does not exceed fourteen days, the Warden, in his discretion, may dispose of the application *ex parte* in a summary way without requiring it to be notified.
- (c.) If the period applied for exceeds fourteen days, the application shall be notified and disposed of under section one hundred and sixty-five hereof.
- (d.) If the period applied for does not exceed six months, the Warden may grant or refuse the application in his discretion.
- (e.) If the period applied for exceeds six months, the Warden, after hearing the application and all objections thereto, shall forward the same, and his report and recommendations thereon, to the Minister, and the application shall not be granted by the Warden unless the Minister signifies in writing on the proposed certificate that he consents thereto.
- (f.) The application may be granted for the whole of the period applied for, or for such less period as the Warden or, as the case may be, the Warden with the consent of the Minister thinks reasonable, having regard to all the circumstances.
- (g.) The period applied for or granted shall in no case exceed twelve months.
- (h.) The period of protection shall in every case commence on the date on which the application is granted, or on such earlier date, being in no case earlier than the date fixed for the original hearing of the application, as the Warden thinks equitable.
- (i.) The certificate of protection shall be in the prescribed form, and when duly signed by the Warden and, where necessary, by the Minister, shall be transmitted by the Warden to the Registrar, who, having first registered it, shall issue it to the person entitled to receive it.
- (j.) In no case shall a certificate of protection be renewed.
- (k.) In no case shall a certificate of protection be granted unless the applicant satisfies the Warden that all wages due to workmen in the mining privilege, and all rents, royalties, license fees, and other moneys payable under this Act have been fully paid or satisfactorily provided for up to the date of the application.

161. In every case where a certificate of protection has been granted and further protection is subsequently desired, a fresh application may be made; and with respect to every such fresh application the following special provisions shall apply :—

Special provisions as to grant of further protection.

Ibid, sec. 161

- (a.) Except in the cases and subject to the limitations specified in paragraphs (c) and (d) hereof, the application shall not be granted unless the prescribed interval of time has elapsed between the filing thereof and the expiration of the period last granted, nor unless during the whole of such interval the mining privilege for which protection is sought has been duly worked and used as required by law.
- (b.) Such prescribed interval shall be one month where the period last granted did not exceed fourteen days, and three months in every other case.
- (c.) The requirements of the preceding paragraphs of this section may be waived in any case where the Warden, in respect of any application within his discretion, or the Minister in respect of any application subject to his consent, is satisfied,—
 - (i.) In the case of two or more mining privileges held by the applicant, and to be worked or used together, that the mining privilege to be protected cannot be advantageously worked or used until the operations on another of the mining privileges are further developed, and that such other mining privilege is either protected or is being worked and used as required by law ;
 - (ii.) In the case of a special dredging claim, that the applicant is using all reasonable diligence in procuring a dredge, but by reason of pressure of work in the foundries, or other good and sufficient cause (not imputable to his want of capital), it will not be available until the lapse of a specified time : and also
 - (iii.) In the case of every mining privilege, that, having regard to all the circumstances, it is reasonable that such requirements should be waived.
- (d.) The power of waiver exercisable under the last preceding paragraph shall be so exercised as that the total period of protection granted without the intervention of the prescribed interval shall not exceed six months in the case of applications within the discretion of the Warden, and two years in the case of applications subject to the Minister's consent.

Protection where
mining privilege at
high altitude.
1905, No. 39, sec. 162

162. (1.) In every case where the land comprised in any mining privilege is situate at more than the prescribed altitude above the sea-level, such mining privilege shall, without application, be deemed to be protected for the prescribed period in each year, such period being in no case longer than from the first day of May to the thirty-first day of October inclusive.

(2.) For the purposes of this section a certificate in writing by a District Surveyor as to the altitude of any land, or a map purporting to be issued by the Surveyor-General or under his authority showing such altitude, shall be sufficient evidence thereof.

(3.) Every mining privilege and every share or interest therein shall, without application, be deemed to be protected on each of the following days, that is to say :—

- (a.) On the polling-day of every election of a member of Parliament or of any public body :

Days on which all
mining privileges
protected.
Ibid, sec. 163

- (b.) On each day during which he is absent from his mining privilege for the purpose of attending the proceedings in any Court of justice or before the Warden, whether as party, witness, assessor, or otherwise in the performance of his duty or the necessary protection of his interests :
- (c.) From Good Friday to Easter Monday, inclusive :
- (d.) On the Sovereign's Birthday :
- (e.) From the twenty-second day of December to the fifth day of January, inclusive :
- (f.) On any public holiday.

163. In the event of the bankruptcy, lunacy, or death of the holder of any mining privilege, or of any share or interest therein, the same shall, without application, be deemed to be protected for such period not exceeding two months, computed from the date of the happening of that event, as the Warden thinks reasonable, having regard to the special circumstances of the case.

Protection in case of bankruptcy, lunacy, or death.

1905, No. 39, sec. 164

164. Notwithstanding anything hereinbefore contained, the Warden, on application in that behalf, may from time to time, in the case of a mining privilege on which works have been constructed or used in connection with mining operations in a quartz claim, protect the mining privilege so long as the claim to which it appertains is being actively worked.

Further powers of protection in case of mining privileges used in connection with quartz claims.

1905, No. 55, sec. 10

As to the Procedure on Applications to the Warden in respect of Mining Privileges.

165. Subject to the specific provisions elsewhere contained in this Act with respect to specific applications, the following general rules shall apply with respect to every application to the Warden for the grant, surrender, exchange, amalgamation, or protection of mining privileges, or, in the case of a claim, for authority to employ less than the prescribed number of workmen :—

General rules as to all applications to Warden.

1905, No. 39, sec. 165
1905, No. 55, sec. 9

- (a.) The application shall be made in the prescribed manner and form, and shall be filed in the office of the Registrar, or, if there are more such offices than one in the district, then in the office situate nearest by practicable route to the mining privilege to which the application relates :

Provided that the application shall not be invalidated by reason merely of being filed in the wrong office, but in such case the Warden may either treat it as if duly filed or order it to be transferred to another office, on such terms as he thinks proper, having regard to the convenience of the parties and the circumstances of the case.

- (b.) When filing the application, or on the same day, the applicant shall lodge with the Receiver, to abide the disposal of the application, such sums in respect of rent, survey fees, license fees, and otherwise as are prescribed.
- (c.) Where two or more applications are filed in respect of the same subject-matter the prior applicant shall in all cases have the superior right, and priority of application shall be determined in favour of the person who first marks out in the prescribed manner the mining privilege applied for ; provided that such marking-out is diligently prosecuted by

- the making and filing of an application within a reasonable time of such marking-out.
- (d.) The question as to what is a reasonable time shall be decided by the Warden, who shall have regard to the opportunities of the person marking out and the distance of the land marked out from the nearest Warden's office.
 - (e.) Where it appears that two or more mining privileges are marked out simultaneously, their respective priorities shall be decided by lot in such manner as the Warden thinks fit.
 - (f.) Every application shall retain its priority until such application is finally disposed of by being granted, refused, or, by leave of the Warden, withdrawn.
 - (g.) In every case where the application relates to land it shall not be lawful for any person not theretofore in lawful occupation of the land to enter or mine thereon whilst such priority continues.
 - (h.) If he does so enter or mine, then, in addition to any other penalty he thereby incurs, he shall be deemed a trespasser, and, moreover, all gold found by him whilst so mining shall, if the application is granted, be the property of the applicant ; and in the meantime the Warden may, on application in that behalf by the applicant for the mining privilege, order all such gold to be deposited with such person as is named in that behalf in the order to abide the result of the application.
 - (i.) The application shall be heard at such time and place as the Warden appoints, and the hearing shall in every case be open to the public.
 - (j.) The application shall be notified in such manner, within such time, and to such persons as are prescribed, including in every case all persons whose interests will be obviously affected :
 . Provided that in every case where the application is for a license for any mining privilege in respect of land or water outside a mining district the Commissioner of Crown Lands of the land district shall be notified, and the application shall not be granted until he has reported thereon to the Warden.
 - (k.) Any person desiring to object to the application shall, in the prescribed manner and within the prescribed time, give to the Warden and also to the applicant notice in writing of the nature of such objection, and (subject to the succeeding provisions of this section) no person shall be entitled to appear and object unless he has duly given such notice.
 - (l.) The Warden in his discretion may, at any time before the application is finally disposed of, direct notice thereof or of any objection thereto to be given to any person, or any survey to be made, or other act to be performed.
 - (m.) The Warden may, of his own motion and without notice, take any objection he thinks fit, and shall not grant the application if he is satisfied that any valid objection thereto exists.
 - (n.) If any question or dispute arises as to whether the prescribed provisions relating to marking out the land or notifying

the application have been sufficiently complied with, the Warden shall decide. In so deciding the Warden shall have regard to the spirit and intention of those provisions, and it shall be sufficient if he is of opinion that they have been substantially complied with, and that no person has been deceived or misled.

- (o.) The Warden may adjourn the application from time to time or from place to place, in such manner and on such terms as he thinks fit.
- (p.) On the hearing of the application the applicant and every objector shall appear in person or by solicitor or registered agent.
- (q.) If, however, the applicant does not desire to appear, he may, at any time before the hearing, file in the office of the Registrar a statutory declaration of compliance with this Act.
- (r.) Such declaration shall be exempt from stamp duty, and shall be in the prescribed form, and shall certify—
 - (i.) That all the statements contained in the application are true ; and also
 - (ii.) That all prescribed provisions as to marking out the ground, posting notices thereon, serving notices on all persons affected, and otherwise, have been duly observed in so far as is required by law ; and also
 - (iii.) That the ground applied for does not cross any road or street ; and also
 - (iv.) That the applicant believes himself entitled to the grant of the application, and knows of no valid objection thereto ; and also
 - (v.) That, so far as the applicant is aware, no public or private rights will be prejudicially affected by the grant of the application ; and
 - (vi.) Such other particulars as are prescribed.
- (s.) The Warden, if satisfied with such declaration, may accept it as evidence in support of the application, and grant the application without requiring the applicant to appear.
- (t.) If, however, he is not satisfied with the declaration, or if any objection arises which in his opinion requires to be met, he shall adjourn the hearing, and notify the applicant to appear.
- (u.) If, on the hearing of the application, any person appears and objects, the Warden may award to or against the applicant or the objector such costs and expenses as he thinks fit :

Provided that no costs or expenses shall be awarded against any objector whose objections are based wholly and *bona fide* on purely public grounds.
- (v.) In awarding such costs and expenses the Warden shall, as far as practicable, follow the scale for the time being in use in the Warden's Court, and they shall be recoverable in the same manner as if they were a judgment of that Court
- (w.) For the purpose of hearing and disposing of the application, and of generally giving full effect to the provisions of this section, the Warden shall have all the powers of a Warden exercising jurisdiction in a Warden's Court, and the prac-

tice and procedure of that Court (including the practice as to rehearings) shall apply, with such modifications, additions, and exceptions as are prescribed.

- (x.) The application may be granted in respect of either the whole of the land to which it relates or to such portion thereof (not exceeding the prescribed maximum) as the Warden thinks fit, notwithstanding that in the case of a claim the claim granted may not be of the same class as the claim applied for.
- (y.) In any of the following cases, that is to say,—
 - (i.) If the land to which the application relates is outside a mining district ; or
 - (ii.) If the application is for a license for a special claim whose area exceeds thirty acres, or for a license for any mining privilege (whatever its area) under the sea or on the foreshore,—
 the Warden shall not grant the license unless and until the Minister has consented thereto, and notified such consent in writing on the instrument of license.
- (z.) Except in the cases referred to in the last preceding paragraph, the application may be granted or refused by the Warden in his discretion.

Powers of
Commissioners of
Crown Lands.
1905, No. 39, sec. 166

166. (1.) The powers and functions conferred by this Act upon the Warden and Registrar respectively for receiving and disposing of applications for the mining privileges hereinafter mentioned—that is to say, prospecting warrants, prospecting licenses, or licenses for mining privileges in respect of water—shall, where the land is outside a mining district, be exercisable by the Commissioner of Crown Lands ; and for that purpose, as also for the purpose of appealing against the decision of the Commissioner, all the provisions of this Act shall apply as if the land was within a mining district and the Commissioner was a Warden and Registrar, and the Commissioner's office was a Warden's Court in a constituted mining district :

Provided that this subsection shall not apply in the case of Native land or of land partly within and partly outside a mining district.

(2.) With respect to mining privileges duly granted by the Commissioner the land shall, for the purposes of any matter arising subsequent to the granting thereof, be deemed to be situate in the nearest mining district, and the mining privileges to have been granted by the Warden of that district.

(3.) The two last preceding subsections shall apply to all mining privileges heretofore granted by any Commissioner of Crown Lands and to all pending applications for the same.

(4.) The Governor may from time to time make regulations prescribing the mode of transferring the records of any mining privilege granted by the Commissioner, and generally anything required to give effect to this section.

As to Survey.

167. In every case where the area of the land to which the application relates exceeds twenty acres the land shall be surveyed in the prescribed manner ; and with respect to every survey the following provisions shall apply :—

When area exceeds
twenty acres land to
be surveyed.
Ibid, sec. 167

- (a.) Where at the time of the filing of the application the land is already duly surveyed, and the plans thereof are deposited in the Warden's office, the applicant may refer to them in his application; or, if they are not then so deposited, he may deposit them there at any time prior to the hearing of the application; and in any such case no fresh survey shall be necessary unless the Warden so directs :

Provisions relating thereto, and to preliminary inquiry.

Provided that, in lieu of or prior to directing such fresh survey, the Warden may, at the cost of the applicant, require a surveyor to inspect the land and report to the Warden as to whether the boundaries marked out by the applicant are coterminous with those shown by the plans.

- (b.) Where the survey is to be made after the filing of the application the Warden may in his discretion, prior to the survey being made, hold a preliminary inquiry for the purpose of enabling it to be ascertained as far as practicable whether the expense of survey should be incurred.
- (c.) The time and place of such preliminary inquiry shall be appointed and notified by the Warden, and the costs thereof and the procedure thereon shall, so far as applicable, be the same as in the case of an ordinary application.
- (d.) If on the holding of such preliminary inquiry the Warden is of opinion that the application should not be granted, he may dismiss it; if, however, no valid objection then appears to exist to the granting of the application, the survey shall be proceeded with, and in the meantime the hearing of the original application shall be postponed.
- (e.) On such postponed hearing no objection (except objections either arising out of the survey or based on purely public grounds) shall be entertained unless the objector—
- (i.) Deposits the sum of five pounds as security for costs; and also
 - (ii.) Files in the Warden's office and serves on the applicant written notice of such objection at least two days prior to the day of hearing; and also
 - (iii.) Satisfies the Warden that owing to non-service of notice, subsequent discovery of facts, or other sufficient cause such objection could not reasonably have been raised at the holding of the preliminary inquiry.
- (f.) The survey shall be made by a surveyor to be nominated by the applicant and approved by the Warden, or, in the absence of such nomination, to be appointed by the Survey Department on report from the Warden.
- (g.) The cost and charges of the survey, and of every such inspection and report as aforesaid, shall not exceed the prescribed scale, and the same may be taxed by the Warden. Such costs and charges, when taxed as aforesaid, shall be deemed to be a debt payable to the surveyor by the applicant.
- (h.) Prior to any such survey or inspection and report being made the Warden may require the applicant to deposit in the Warden's Court such sum as the Warden thinks reasonable as security for such costs and charges; and such deposit

shall, on the order of the Warden, be applied in or towards payment thereof.

- (i.) The survey shall be completed, and the plans relating thereto shall be lodged in the Warden's office, within the period of three months after the prescribed date, or within such extended period (not exceeding an additional three months in the North Island or six months in the South Island) as the Warden in his discretion thinks fit to grant on application made in that behalf before the expiration of the first-mentioned period :

Provided that, on application made in that behalf, the Warden in his discretion may further extend the same for any period not exceeding three months at any one time in any case where he is satisfied that the non-completion of the survey is caused by delay on the part of the Survey Department of the Government.

- (j.) Such prescribed date shall be,—

(i.) In cases where a preliminary inquiry is held as aforesaid, the date of the conclusion of such inquiry ;

(ii.) In cases where the Warden directs the survey to be made, the date of such direction being given ; and

(iii.) In all other cases, the date of the filing of the application for the land.

- (k.) If default is made in duly completing such survey and lodging such plans within such period or extended period as aforesaid, the application for the land shall be deemed to be void.

No survey required
in certain cases.
1905, No. 39, sec. 168

168. Where the land in respect of which an application is made comprises the whole of the land granted by or included in any original Crown grant or any certificate of title under "The Land Transfer Act, 1908," no survey of such land in consequence of any such application shall be necessary or be required, unless the Warden specially orders the survey to be made :

Proviso.

Provided that nothing in this section shall operate to dispense with the necessity of the surveyor's report to the Warden, or of a plan where the plan is required in order to illustrate the report ; and the costs of the report and plan shall in each case be fixed by the Warden.

Drainage-areas
exempt from survey.
Ibid, sec. 169

169. Section one hundred and sixty-seven hereof shall not apply in the case of drainage-areas, except in so far as in special circumstances the Warden otherwise directs.

As to the Form, Term, Renewal, and Conditions of Licenses for Mining Privileges.

General provisions
as to licenses.
Ibid, sec. 170

170. Subject to the specific provisions elsewhere contained in this Act with respect to specific licenses, the following general provisions shall apply with respect to all licenses granted under this Act for mining privileges :—

Form.

- (a.) The license shall be in the prescribed form, and shall be signed by the Warden granting the same, and sealed with the seal of his Court.

Errors.

- (b.) The Warden may at any time amend any error or misdescription in the license, provided that the rights of other parties are not thereby prejudicially affected.

- (c.) The term of the license shall be any period not exceeding forty- Term.
two years.
- (d.) The term of the license shall be deemed to commence on the day Commencement.
of the grant thereof by the Warden.
- (e.) On the expiration of the term of any license by effluxion of Renewal.
time the licensee shall have the right to a renewal thereof
for any term not exceeding the maximum prescribed in the
case of the original term :

Provided that within the prescribed period before such expiration he files in the office of the Registrar a notice in the prescribed form that such renewal will be required.

- (f.) During the term of such renewal the license shall be subject to the same rent, royalties, fees, and other payments, and the same terms, conditions, reservations, and provisions, as would apply if the license were granted at the commencement of such term pursuant to original application in that behalf.
- (g.) The foregoing provisions for the renewal of the original term shall apply to every renewed term.
- (h.) Every renewal shall be in the prescribed form, and the right to the renewal shall not be affected by the repeal of this Act.
- (i.) The license shall be deemed to be granted and shall be held Conditions.
subject to such rent, royalty, and license fees, terms, conditions, reservations, and provisions as are prescribed by this Act or by regulations thereunder, and subject also to such additional terms, conditions, reservations, and provisions, not inconsistent with this Act or the regulations thereunder, as the Warden thinks fit to specify in the license, for the purpose of protecting public and private interests and defining the rights and duties of the licensee :

Provided that every term, condition, or provision imposed by the Warden which is inconsistent with this Act or the regulations thereunder shall be void.

- (j.) The rent or license fee shall in every case be payable in advance by the following instalments, that is to say :—

(i.) The first instalment (being for the period elapsing between the date of the license and the last day of June or December next following such date) shall be due and payable on the date of the license, and shall be paid before the issue thereof :

(ii.) The subsequent instalments shall be due and payable half-yearly in advance, computed from the last day of June or December next following the date of the license.

As to the Transfer and Registration of Mining Privileges.

171. Every mining privilege shall be deemed to be a chattel interest, Mining privilege to
and may be sold, incumbered, transmitted, seized under writ of execution be deemed a chattel
or warrant, or otherwise disposed of as fully as a chattel interest in land, interest.
subject nevertheless to the provisions of this Act. 1905, No. 39, sec. 171

172. No instrument of transfer of any mining privilege shall be Transfers to be
deemed to pass the title to the transferee until such instrument is duly registered.
registered under this Act ; and with respect to every such instrument Ibid, sec. 172
the following provisions shall apply :—

Provisions relating thereto.

- (a.) The transferor when^o executing the instrument, or, if there are more transferors than one, the transferor who last executes it, shall insert therein the place and date of such execution; and such date shall be deemed to be the date of the instrument.
- (b.) The transferee shall, within the prescribed period after the aforesaid date of execution, deposit the instrument with the Registrar for registration, and the Registrar shall register the same as on the hour and date of the same being so deposited.
- (c.) Such prescribed period shall be thirty days if the place of execution is in New Zealand, sixty days if such place is in any State of the Commonwealth of Australia, and one hundred and twenty days if such place is elsewhere.
- (d.) The Registrar shall not register the instrument after the expiration of such prescribed period without the authority in writing of the Warden.
- (e.) On reasonable cause being shown why the instrument was not deposited within the prescribed period the Warden may grant such authority upon such terms and conditions, and upon the payment of such fine not exceeding five pounds, as he thinks fit.
- (f.) If any person fails or neglects to faithfully observe any of the provisions of this section, in so far as they relate to himself, he is liable to a fine not exceeding ten pounds.
- (g.) The instrument shall, so far as concerns the mining privilege thereby purporting to be disposed of, be void as against any person claiming *bona fide* and for valuable consideration under any subsequent instrument duly registered prior to the registration of the first-mentioned instrument.

License or renewal to be sent to Registrar for registration or indorsement.
1905, No. 39, sec. 173

173. In every case where the Warden grants or renews any license he shall transmit the instrument of license or renewal to the Registrar for registration and issue, and the Registrar, having first registered the same in the prescribed manner, and indorsed thereon a memorial of every registered instrument affecting the same, shall issue it to the person entitled to receive it.

Annual renewal of water-race licenses abolished.

Ibid, sec. 174

In certain cases annual license fees and annual renewal of registration abolished.

Ibid, sec. 175

174. The annual renewal of the registration of water-race licenses issued under any former Mining Act shall hereafter not be necessary.

175. In every case where, by virtue of any regulations made under "The Mining Act, 1898," prior to the twenty-fourth day of October, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Mining Act Amendment Act, 1899"), any license is subject to the payment of an annual license fee, or, in the case of a water-race license, to the annual renewal of the registration of the license, such annual license fee shall henceforth not be payable and such annual renewal shall henceforth not be necessary.

Other interests which may be registered.

Ibid sec. 176

176. There may also be registered under this Act, in the prescribed manner,—

- (a.) Any mining privilege acquired under any former Mining Act:
- (b.) Any ordinary alluvial claim held under this Act otherwise than by license:

(c.) Any share or interest lawfully created in any duly registered mining privilege :

Provided that no transfer of an unregistered mining privilege, or of any share or interest therein, shall be registered.

177. Two or more mining privileges may be comprised in the same instrument for the purpose of transferring or otherwise disposing of them all in the same way and between the same parties.

Several rights may be transferred in same instrument. 1905, No. 39, sec. 177

178. In any case where any person has in good faith and for valuable consideration duly taken a transfer of any mining privilege, and duly registered the instrument of transfer, such registration shall be an absolute bar to all proceedings for the forfeiture or abandonment of such mining privilege on any grounds existing prior to the date of such registration, unless such proceedings are actually commenced within six months after that date.

Effect of registration. Ibid, sec. 178

179. There shall be payable in respect of the registration of each instrument such fee as is prescribed.

Registration fee Ibid, sec. 179

180. All registers under any former Mining Act shall be deemed to be registers under this Act, and any register may, during the prescribed hours, be searched by any person on payment of the prescribed fee in respect of each title to which the search relates.

Registers under former Act continued. Ibid, sec. 180

As to the Forfeiture of Mining Privileges by Decree of the Court.

181. Subject to the provisions hereinbefore contained relating to protection, and also to registration by transferee in good faith, and without in any way affecting the provisions hereinafter contained relating to abandonment by operation of law, a mining privilege shall be liable to forfeiture by decree of the Warden's Court in any of the following events, that is to say :—

When mining privilege liable to forfeiture by decree of Warden's Court. Ibid, sec. 181 1905, No. 55, sec. 8(c)

(a.) If the title thereto was originally obtained by fraudulent misrepresentation :

(b.) If, in the case of a business-site or a residence-site on which has been erected any building of the value of fifty pounds or upwards, such site is entirely unused by the licensee for any continuous period of two years, or, in the case of any other business-site or residence-site, if it is entirely unused for its proper purpose, or unoccupied, or neglected for any continuous period of three months :

(c.) If, in the case of any mining privilege (other than a claim, or a race or dam held exclusively for other than mining purposes, or a business-site or a residence-site), the land comprised therein has been entirely unused for its proper purpose, or unoccupied, or neglected for any continuous period of fourteen days in the case of a mining privilege on which machinery, buildings, erections, or works adapted for the efficient *bona fide* working or use thereof do not exist or are not in *bona fide* course of erection or construction, or one month in any other case :

(d.) If, in the case of a claim, default is made in the faithful observance of any of the labour conditions prescribed under section ninety-seven hereof, and such default is continued for any period of forty-eight hours in the case of an ordinary claim or seven days in any other case :

(e.) If, in the case of any mining privilege in respect whereof any periodical payment of rent, royalty, or license fees is prescribed, default for sixty days is made in duly and punctually making any such payment :

(f.) If, in the case of any mining privilege, default for sixty days is made in the faithful performance or observance of any other of the provisions or conditions subject to which the same is held :

Provided that, except in cases where the cause of action is fraudulent misrepresentation, and the defendant is the holder of the mining privilege the title whereto was obtained thereby, no mining privilege shall be liable to forfeiture for any cause of action arising more than six months before the commencement of the suit.

Bona fide purchaser not liable for preceding defaults other than payment of rent.
1905, No. 39, sec. 182

182. In any suit for the forfeiture of a mining privilege, where the cause of action is other than fraudulent misrepresentation or a continuing default in payment of rent, royalty, or license fees, it shall be a sufficient defence if the defendant satisfies the Court—

(a.) That such cause of action arose before he purchased the mining privilege, and has not continued since such purchase ; and also

(b.) That he purchased it *bona fide* for valuable consideration, and without notice or knowledge of the existence of such cause of action ; and also

(c.) That before purchasing it he took all reasonable precautions to ascertain whether any liability to forfeiture existed.

Forfeiture of surplus ground exceeding area allowed.
Ibid, sec. 183

183. In any case where the ground comprised in or held under any mining privilege exceeds the area which the holder is entitled to, the surplus ground shall be liable to forfeiture by decree of the Warden's Court ; and, except where such special circumstances exist as, in the opinion of the Court decreeing the forfeiture, entitle such holder to fix the dimensions, area, and situation of the forfeited surplus ground, the first applicant shall have the right to fix the same by marking off such ground from any two of the original corner pegs or marks along the boundaries of the mining privilege, or in such other manner as the Court directs :

Provided that if he exercises such right, and obtains the ground, he shall pay to the former holder such reasonable compensation as the Court directs for any shaft, face, or other mining-works then existing thereon.

Procedure in forfeiture suits.
Ibid, sec. 184

184. With respect to suits in the Warden's Court for forfeiture of a mining privilege or surplus ground the following provisions shall apply :—

Plaintiff.

(a.) If the cause of action is default in payment of rent, royalty, or license fees, the plaintiff shall in every case be the Registrar, Inspector, or some other officer acting in the administration of this Act.

(b.) If the cause of action is other than such default as aforesaid, the plaintiff may be any such officer as aforesaid, or any holder of a miner's right.

(c.) Where any such officer as aforesaid is plaintiff, costs shall not be given against him.

Fine instead of forfeiture.

(d.) In lieu of decreeing a forfeiture, the Court, having regard to the special circumstances of the case, may in its discretion

inflict a fine not exceeding one hundred pounds, with costs of suit; and, if the costs so awarded do not cover the reasonable expenses actually incurred by the complainant in the suit, the Court may, out of such fine, allow to him such sum as it thinks reasonable.

- (e.) The decree of forfeiture may be made notwithstanding that the evidence establishes abandonment by operation of law.

As to Abandonment of Mining Privileges by Operation of Law.

185. Subject to the provisions hereinbefore contained relating to protection, and also to registration by transferee in good faith, a mining privilege shall be deemed to be abandoned by operation of law in any of the following events, that is to say:—

- (a.) If it is abandoned: or

- (b.) If the land comprised therein has been entirely unused for its proper purpose, or unoccupied, or neglected, for any continuous period of one month in the case of a mining privilege on which machinery, buildings, erections, or works adapted for the efficient *bona fide* working or use thereof do not exist or are not in *bona fide* course of erection or construction, or three months in any other case:

Provided that this paragraph shall not apply in the case of any race or dam held exclusively for other than mining purposes, nor in the case of a business-site or a residence-site: or

- (c.) If, in the case of a race or dam held exclusively for other than mining purposes, it is entirely unused for its proper purpose for any continuous period of twelve months: or

- (d.) If, in the case of a business-site or a residence-site on which has been erected any building of the value of fifty pounds or upwards, such site is entirely unused by the licensee for any continuous period of two years; or, in the case of any other business-site or residence-site, if it is entirely unused for its proper purpose, or unoccupied, or neglected for any continuous period of six months: or

- (e.) If, in the case of any mining privilege, default for twelve months is made in the due and punctual payment of any prescribed rent, royalty, or license fee.

186. Irrespective of the cases of abandonment specified in the last preceding section, a dredging claim shall be deemed to be abandoned by operation of law if for any continuous period of more than two years, whether protected or not, a suitable dredge is not working or in course of construction on the claim or in the vicinity thereof.

187. Except in the case of a water-race used exclusively for other than mining purposes, a race shall be deemed to be abandoned in any of the following events, that is to say:—

- (a.) If, in the case of a race constructed for the continuous flow of water, the water fails to flow continuously therein during any continuous period of not less than seven days, or during any continuous period of not less than three months such race is not used for its proper purpose: or

When mining privilege deemed abandoned by operation of law.
1905, No. 39, sec. 185
1905, No. 55, secs. 8, 11

When dredging claim deemed abandoned.
1905, No. 39, sec. 186
1905, No. 55, sec. 11

When water-race deemed abandoned.
1905, No. 39, sec. 187
1905, No. 55, sec. 11

(b.) If, in the case of a race constructed for any other purpose than the continuous flow of water, such race is not used for its proper purpose during any continuous period of not less than six months; or

(c.) If, in the case of any race, it is so damaged or out of repair as to be unfit for its proper use, and so continues for not less than two consecutive months without steps being *bona fide* taken to repair the damage and render the race fit for its proper use with the least possible delay.

Abandonment from
incapacity of race.
1905, No. 39, sec. 188
1905, No. 55, sec. 11

188. In any case where the licensee of a race fails or neglects to construct within the period prescribed in that behalf a race of sufficient capacity to carry the number of sluice-heads registered, then forthwith on the expiration of such period all sluice-heads in excess of the number which the race is then capable of carrying shall be deemed to be abandoned.

Abandonment from
acts and conduct.
1905, No. 39, sec. 189
1905, No. 55, sec. 11

189. Irrespective of any of the foregoing provisions of this Act, a mining privilege shall be deemed to be abandoned whenever from the acts or conduct of the holder an intention to abandon may be conclusively inferred:

Provided that a mere declaration of intention not to abandon shall be no evidence of such intention, unless such declaration is accompanied by unambiguous acts or conduct in support thereof.

Certificate by
Warden of
abandonment.
1905, No. 39, sec. 190
1905, No. 55, sec. 12

190. Upon being satisfied that any mining privilege has been abandoned by operation of law the Warden shall either inflict a fine not exceeding one hundred pounds or certify in writing that such abandonment has been established, and also the date on or before which it occurred:

Provided that on any application after the first in respect of the abandonment of the same mining privilege the Warden, if satisfied that the mining privilege has been abandoned by operation of law, shall certify as aforesaid and shall not inflict a fine.

Procedure for
obtaining such
certificate
1905, No. 39, sec. 191

191. With respect to every such certificate of abandonment the following provisions shall apply:—

(a.) Such certificate may be given by the Warden either in the course of disposing of any application for any mining privilege in respect of the whole or any part of the land, or, in the absence of such application, upon summons to the alleged abandoning holder to show cause why the certificate should not be given.

(b.) Such summons shall be returnable not less than ten nor more than twenty-one days after service thereof, and may be issued by the Warden either of his own motion or on the report of the Registrar or any Inspector that the mining privilege is believed to be abandoned by operation of law.

(c.) Such certificate shall not be given in the course of disposing of any such application as aforesaid until such holder has had an opportunity of appearing and showing cause.

(d.) For such purpose there shall be advertised by and at the expense of the applicant a copy of such application, with a notice thereon that upon the hearing of such application a certificate of abandonment may be given, unless cause to the contrary is shown.

- (e.) Not later than ten days before the day of hearing, the applicant shall serve on such holder, and also affix on the land or race to which the application relates, a copy of such advertisement.
- (f.) Such notice may form part of the original application.

General Provisions as to Forfeiture and Abandonment.

192. No mining privilege shall be liable to forfeiture, or be deemed to be abandoned by operation of law, in any case where the acts, defaults, or events relied on to establish such liability or abandonment were caused by reason only of—

When mining privilege not liable to forfeiture nor deemed abandoned.
1905, No. 39, sec. 192

- (a.) The sickness or unavoidable absence of any person ; or
- (b.) The act or default of any workman, lessee, tributer, or other person to which the holder of the mining privilege was neither party nor privy, and which he could not reasonably have provided against or prevented ; or
- (c.) The failure of water ; or
- (d.) The occurrence of any accident or natural contingency which could not reasonably have been provided against or prevented.

193. The mere maintenance of marks, or holding of miners' rights, or renewal of license, or registration of title, or, excepting in forfeiture suits for default in payment of rent, royalty, or license fees, the absence of such default, shall be no evidence against either liability to forfeiture or abandonment by operation of law.

What shall not be evidence.
Ibid, sec. 193

194. In every case where the decree of forfeiture or certificate of abandonment relates to a registered mining privilege such decree or certificate shall be registered.

Decree or certificate to be registered.
Ibid, sec. 194

195. In every case where any such decree or certificate relates to portion only of a mining privilege the following provisions shall apply :—

Where decree or certificate relates to portion of mining privilege.
Ibid, sec. 195

- (a.) Such mining privilege shall be deemed to be surrendered, and in exchange therefor the Warden shall grant a license under this Act for a corresponding mining privilege comprising the unforfeited or unabandoned portion of the surrendered mining privilege.
- (b.) Such surrender and exchange shall have the same operation as if effected under section one hundred and fifty-five hereof, and accordingly the provisions of that section shall, *mutatis mutandis*, apply.

196. A decree of forfeiture or certificate of abandonment, unless reversed on appeal, shall take effect forthwith upon its being made or given ; or, in case of abandonment, upon such earlier date as is specified in the certificate.

Decree or certificate to take effect forthwith.
Ibid, sec. 196

197. Forthwith upon the taking-effect of a decree of forfeiture or certificate of abandonment the following provisions shall apply :—

Forfeited land to be open for application.
Ibid, sec. 197

- (a.) The license or other instrument under which the forfeited or abandoned mining privilege was held shall be void, and the former holder thereof, and all persons holding under or deriving title through him, shall cease to have any right or interest therein, and the forfeited or abandoned land shall be open for application for mining privileges in the same manner and to the same extent as if it had never been taken up or held by him or them :

Provided that the forfeiture or abandonment shall not relieve such holder from liability for payment of any rent, royalty, or license fees due or accruing due up to the date of the taking-effect of the decree or certificate.

Priority.

- (b.) Where the decree is made or the certificate is given on the application of the holder of a miner's right he shall, unless the Warden, having regard to all the circumstances, otherwise orders, be deemed to be the first applicant for any mining privilege in respect thereof if his application is duly made and filed not later than seven days after the day on which such decree or certificate takes effect.

Removal of persons.

- (c.) The Warden may, by warrant addressed to the bailiff of his Court or the officer in charge of the police, remove from the land any person who is in unlawful possession or occupation thereof.

Construction of provisions as to forfeiture and abandonment.

1905, No. 39, sec. 198

Procedure when application includes a surveyed forfeited claim.

Ibid, sec. 199

198. The respective provisions of this Act relating to liability to forfeiture and to abandonment by operation of law shall apply to the whole or any specified portion of a mining privilege, and those provisions shall be construed accordingly.

199. In any case where a duly surveyed claim has been forfeited, abandoned, or absolutely surrendered, and any person desires to take up the whole of the land as a claim, the following special provisions shall apply, anything in section one hundred and sixty-seven hereof to the contrary notwithstanding :—

- (a.) No fresh survey shall be necessary unless the Warden so directs :

Provided that in lieu of or prior to directing such fresh survey the Warden may, at the cost of the applicant, require a surveyor to inspect the land and report to the Warden as to whether the boundaries marked out by the applicant are coterminous with those shown by the old plans.

- (b.) Where in the computation of the area of the abandoned, forfeited, or surrendered claim, as shown by the survey plans thereof, the area of roads has been excluded, the provisions of section one hundred and fifty-seven hereof shall, *mutatis mutandis*, apply, notwithstanding that the area of the fresh claim may thereby exceed the prescribed limit.

As to Certificates of Easement.

Grant of easements to holder of mining privilege over other mining privileges, and rights thereunder.

Ibid, sec. 200

200. For the purpose of facilitating mining operations under this Act the following special provisions shall apply in the case of every mining privilege :—

- (a.) Subject to regulations under this Act, the Warden, on application in that behalf, may, by certificate of easement in the prescribed form, grant to any person, being the holder of a mining privilege, the right to enter upon, occupy, and use any specified portion of the land comprised in any other mining privilege for any of the following purposes :—

(i.) To cut, make, dredge, or otherwise construct and maintain, and use, upon, over, or under such specified portion of land any road, tramway, bridge, race, tunnel, drive, ditch, channel, or other mining-work :

(ii.) To convey over or discharge upon such specified portion of land any tailings, *debris*, or waste water resulting

from such mining operations, including therein any operation authorised under this section :

(iii.) Such other purposes as are prescribed.

- (b.) The application shall be made, notified, and disposed of in manner prescribed by section one hundred and sixty-five hereof.
- (c.) The application, if granted, may be granted on such terms and conditions as the Warden thinks fit, and shall in every case be deemed to be granted subject to the condition that the grantee in acting under the grant will not interfere with the reasonable and lawful use of such other mining privilege by the holder thereof, or with his lawful mining operations thereon, except in so far as is reasonably necessary in order to give effect to the grant.
- (d.) All gold obtained from such specified portion of land by the grantee as the result of any operation authorised by the grant shall be the property of such holder, and shall be delivered to him by the grantee accordingly.
- (e.) Before acting under the grant the grantee shall pay compensation to such holder for all actual or prospective loss or damage that may be suffered by him by reason of the grant or the exercise by the grantee of the rights thereby conferred upon him.
- (f.) If within one month after the issue of the certificate the amount of the compensation is not agreed on between the parties, the same shall be determined by the Warden and Assessors in manner provided by section one hundred and thirteen of this Act, the provisions whereof shall accordingly apply.
- (g.) The certificate shall be registered against the mining privilege over which the rights thereby granted are exercisable.

201. The provisions of the last preceding section shall extend and apply to timber-cutting, and the operation of sawmill licenses and the holders thereof, and the land held under such licenses, in the like manner as in the case of mining privileges and mining operations.

Extension to
sawmilling licenses.
1905, No. 39, sec. 201

Protection of Bridges and Railways.

202. In every case where a public or private bridge exists, or where land is reserved as a site for a public bridge, the following special provisions shall apply :—

Provisions for
protection of bridges,
and sites therefor,
from damage.

- (a.) It shall not be lawful for any person, being the holder of a mining privilege, howsoever or whensoever acquired, to carry on mining operations as such holder by sluicing, dredging, tunnelling, or driving within five chains of such public bridge or site, or three chains of such private bridge, except with the written consent, in the case of the public bridge or site, of the local or other authority having control thereof, and in the case of the private bridge, of the owner thereof, nor in any case except in accordance with the terms and conditions subject to which the consent is given :

Ibid, sec. 202

Provided that in the case of a private bridge the Warden, on application in that behalf, may negative, modify, or vary

as he thinks fit any term or condition which the owner has imposed otherwise than for the *bona fide* purpose of insuring the safety of the bridge.

- (b.) The powers by this section conferred upon the local authority may be exercised either by resolution of the local authority or by writing under the hands of the Chairman or Mayor and any two other members thereof appointed either generally or specially in that behalf by resolution of the local authority.
- (c.) In the case of bridges constructed or sites reserved after the twenty-fourth day of October, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Mining Act Amendment Act, 1899"), this section shall extend and apply as from the date on which the construction is commenced or the reservation made.
- (d.) For the purposes of this section—
 - (i.) "Public bridge" means any bridge intended for public use or for use in connection with any public work within the meaning of "The Public Works Act, 1908," and under the control of the Government or any local authority ; and
 - (ii.) "Private bridge" means any bridge (other than a footbridge) intended for use in connection with the business of any person or company, and owned by any person or company.
- (e.) If the holder of the mining privilege, by himself, his agents or workmen, commits any breach of any of the provisions of this section, or of the terms or conditions subject to which the aforesaid consent is given, he shall be civilly liable for all damage thereby done, and in addition thereto his mining privilege shall be liable to forfeiture ; and, if the breach is committed in respect of a public bridge or site, he shall also be liable as for committing an injury to a public work.

Provisions for
protection of
railways.
1905, No. 39, sec. 203

203. The provisions of the last preceding section, relating to public bridges and the sites therefor, shall, *mutatis mutandis*, apply in the case of a railway as defined by section one hundred and eighty-five of "The Public Works Act, 1908."

As to Public Roads and Public Streets.

204. The following provisions shall apply with respect to every public road and public street :—

- (a.) The license for a mining privilege, being a claim, race, or tramway, or a prospecting or mineral area, may be applied for and granted notwithstanding that any public road or public street exists on the land comprised in the application.
- (b.) It shall not be necessary to separately mark off the road or street for the purposes of the application.
- (c.) The road or street shall be included in the area of the land comprised in the license.
- (d.) The license, if granted, shall be deemed to be granted and shall be held subject to the provisions of the next succeeding section.

Procedure when
mining privilege
includes road or
street.
Ibid, sec. 204

205. (1.) It shall not be lawful for any person, being the holder of a mining privilege (howsoever or whensoever acquired), to exercise upon, over, or under any public road or public street any of his rights as such holder, or to carry on mining operations by dredging or sluicing within one chain of such road or street (whether situate within or outside the limits of the land comprised in his mining privilege), except with the written consent of the local or other authority having the control of such road or street, nor except in accordance with the terms and conditions subject to which such consent is given.

Rights of holder as to such road or street restricted.
1905, No. 39, sec. 205

(2.) The powers by this section conferred upon the local authority may be exercised in manner provided in section two hundred and two hereof.

(3.) In the case of public roads or public streets constituted after the twenty-fourth day of October, one thousand eight hundred and ninety-nine (being the date of the coming into operation of "The Mining Act Amendment Act, 1899"), this section shall extend and apply as from the date of constitution.

(4.) If such holder, by himself, his agents or workmen, commits any breach of any of the provisions of this section, or of the terms or conditions subject to which such consent is given, he shall be civilly liable for all damage done, and in addition thereto his mining privilege shall be liable to forfeiture; and, if the breach is in respect of a Government road or street, he shall also be liable as for committing an injury to a public work.

General Provisions as to Mining Privileges.

206. (1.) Except in cases where the Warden by order otherwise directs, no mining privilege shall entitle the holder thereof to take possession of or interfere with any Crown land which is being lawfully and *bona fide* used as a yard, garden, orchard, cultivated field, race, or dam, or on which any house or other building is lawfully standing and in actual use or occupation.

House, garden, &c., not to be interfered with unless Warden orders and compensation paid.
Ibid, sec. 206

(2.) Such order shall not be granted unless the Warden is satisfied that the land is *bona fide* required for mining purposes, nor until compensation for improvements (but not for the value of the land), to be assessed in the prescribed manner, has been either paid by such holder to the person entitled or has been secured to the satisfaction of the Warden.

(3.) No order made by the Warden under this section shall have effect for a longer period than three months after its date, unless in the meantime the holder of the mining privilege on whose application the order was made proceeds to exercise the rights in respect of which the claim for compensation arose.

207. (1.) Except where otherwise provided by this Act, every person who by reason of his mining operations causes damage to land shall be liable to pay compensation for such damage to the owner and occupier of such land.

Compensation for damage to land.
Ibid, sec. 207

(2.) Such compensation shall be assessed in the manner prescribed by section one hundred and thirteen hereof, and the amount thereof when so assessed shall be recoverable as a debt.

208. (1.) With respect to land which is comprised in any lease or license (not being a lease or license for depasturing purposes), which is by section seventeen hereof declared to be

Extension of compensation in certain cases.
Ibid, sec. 208

Crown land, the following special provisions shall apply in every case where a mining privilege exists on the land :—

(a.) The compensation which the lessee or licensee is entitled to receive from the holder of the mining privilege shall not be limited to the cases provided for by section two hundred and six hereof, but shall extend to and include compensation for all damage suffered by the lessee or licensee in consequence of the exercise by the holder of the mining privilege of any of the rights conferred upon him as such holder.

(b.) Such compensation shall be assessed in the prescribed manner, and shall be paid to the lessee or licensee, or be secured to the satisfaction of the Warden, before the holder of the mining privilege proceeds to exercise the rights in respect whereof the claim for compensation arises.

(2.) The foregoing provisions of this section shall, *mutatis mutandis*, apply in every case where a mining privilege exists on Crown lands acquired under "The Land for Settlements Act, 1908," whensoever the land was leased or otherwise disposed of.

Compensation in respect of lands acquired under the Land for Settlements Act.

In assessment of compensation, prior compensation to be included.

1905, No. 39, sec. 209

Casual damage to mining privilege.

Ibid, sec. 210

Action for trespass.

Ibid, sec. 211

Removal of buildings, &c., on expiry of lease, and compensation for improvements.

Ibid, sec. 212

209. In assessing the compensation payable by the holder of a mining privilege to any person, whether as the holder of a mining privilege or as the owner or occupier of land, compensation already received shall be taken into account, so that the claimant shall in no case be entitled to compensation more than once in respect of the same matter.

210. In every case where a mining privilege comprises land which is owned or lawfully occupied by any other person than the holder of such mining privilege, such person shall not be liable for any casual damage done by horses, sheep, cattle, or other stock to such mining privilege or the holder's works thereon.

211. No action shall lie for any trespass on any land, tenement, or easement held or acquired under this Act or any former Mining Act, unless at the time of the alleged trespass such land, tenement, or easement was visibly occupied or used by the person alleging the trespass, or was by visible boundary-marks appropriated to him.

212. With respect to buildings, machinery, and other structural or non-structural improvements made by the holder of a mining privilege on the land comprised therein the following provisions shall apply :—

(a.) Except where otherwise expressly provided by this Act, he shall in no case have any right to valuation or compensation from His Majesty in respect of any such improvements.

(b.) At any time before the expiration of the prescribed period after he ceases to be the holder he may remove or otherwise dispose of all structural improvements belonging to him and being on the land :

Provided that such right of removal shall not exist in the case of timber and other materials actually used and applied in the construction or support of any shaft, drive, gallery, adit, tunnel, race, dam, or other mining-work existing on the land ; and if he removes any such timber or other materials in breach of this paragraph he is liable to a fine not exceeding one hundred pounds.

(c.) Such prescribed period shall be thirty days after he ceases to be such holder, whether by surrender, expiration, abandon-

ment, or forfeiture, or such longer time as the Warden on application in that behalf directs.

- (d.) The outgoing holder of a business or residence site shall in such cases, to such extent and subject to such conditions as are prescribed, be entitled to compensation from the incoming holder for all improvements then existing on the land.
- (e.) Except as provided by this section, no person shall have any right or title to any improvements on the land comprised in any mining privilege after he ceases to be the holder thereof.

As to Workmen and other Persons employed in Mining Privileges.

213. All wages payable to the workmen employed at any mine shall, if so requested by a majority of such workmen, be paid either at the mine or at some place not more than two miles from the mine.

Payment of wages at or near the mine.

1905, No. 55, sec. 26

214. Every person who is employed by or under the holder of any mining privilege (other than a business-site or residence-site) to work thereon on wages or on contract shall, by force of this Act, have a lien on such mining privilege (and also on any other mining privilege held and worked in connection therewith by the same holder) for wages or contract-moneys owing to him by reason of such employment, and such lien shall extend and operate in manner following, that is to say :—

Lien for wages or contract-moneys.

1905, No. 39, sec. 213

- (a.) The lien shall extend to three months' wages in the case of a wages-man, and to one hundred pounds in the case of a contractor or subcontractor.
- (b.) Where the lien is in respect of wages owing by a contractor it shall operate only to the extent of the amount owing under the contract to the contractor by the holder of the mining privilege.
- (c.) Where the lien is in respect of wages owing by a subcontractor, or in respect of contract-moneys owing to a subcontractor, it shall operate only to the extent to which the amount owing by the contractor to the subcontractor is also owing to the contractor by the holder of the mining privilege.
- (d.) All moneys paid under either of the two last preceding paragraphs by the holder of the mining privilege may by him be deducted from moneys owing by him to the contractor, and in the case of moneys paid under the last preceding paragraph may by the contractor be deducted from moneys owing by him to the subcontractor.
- (e.) As between wages-men and contractors, the lien of a wages-man shall have priority.
- (f.) As between contractors and subcontractors, the lien of a subcontractor shall have priority.
- (g.) The lien may, in the prescribed manner, be registered in the Warden's Court, and shall be void unless it is registered,—
 - (i.) In the case of a wages-man, within thirty days after he ceases his employment or the three months' wages become due, whichever event is the earlier ; and
 - (ii.) In the case of a contractor or subcontractor, within thirty days after the contract or subcontract is completed or otherwise determined, or the one hundred pounds become due, whichever event is the earlier.

(h.) On the day on which the lien is registered the Clerk of the Court shall, by registered letter, post notice thereof in the prescribed form to the holder of the mining privilege to which the lien relates.

(i.) As between wages-men, contractors, and subcontractors *inter se*, their respective liens shall have priority according to the date of registration; but as between lienees of the same class all registered liens shall rank equally and alike in respect of such portion of the amounts to which the liens relate as was earned during one and the same period of time.

Lien to have
priority.

1905, No. 39, sec. 214

215. A duly registered lien under the last preceding section or under the corresponding provisions of any former Mining Act shall have priority over all other then existing or subsequently created incumbrances, liens, or interests whatsoever affecting the mining privilege to which such registered lien relates.

Warden to deter-
mine all questions
relating to liens.

Ibid, sec. 215

216. (1.) The Warden shall have jurisdiction to determine all questions and claims relating to such liens, including all questions and claims relating to the amounts payable under such liens, their order of priority, and the mode of satisfying and discharging the same.

1905, No. 55, sec.
13 (2)

(2.) Payment into Court of the amount of the lien or the receipt of the workman duly filed shall act as a discharge of the lien, and the Registrar shall thereupon note such discharge upon the title.

Mining privileges
may be sold to
satisfy lien.

1905, No. 39, sec. 216

1905, No. 55, sec.
13 (1)

217. (1.) For the purpose of satisfying and discharging any such lien the Warden may, by order made on the application of the lienee, cause the mining privileges to which the lien relates to be sold by public auction at such time and place and on such terms and conditions as he thinks fit.

(2.) No order for the sale of any mining privilege shall be made under this section unless the application is made within three months after the registration of the lien or within such further period not exceeding three months as the Warden may by order allow, nor unless due notice of the application has been given to the holder of the mining privilege.

How proceeds of
sale to be applied.

1905, No. 39, sec. 217

218. (1.) The moneys produced by any such sale shall be applied, first, in or towards defraying the costs and expenses of the sale; secondly, in or towards defraying the costs and expenses of the proceedings in which the order for sale was made; thirdly, in or towards satisfying and discharging, according to their respective priorities, all registered liens; and the surplus, if any, shall be payable to the person entitled thereto.

Warden may
execute transfer
of sale.

Ibid, sec. 218

(2.) For the purpose of completing the title of the purchaser at any such sale the Warden, in his official name and under his official seal, may, at the cost in all things of the purchaser, execute all such instruments of transfer or other assurance as are necessary; and every instrument so executed shall vest the purchased property in the purchaser freed from all incumbrances whatsoever other than those (if any) subject to which the sale was expressed to be made.

(3.) The Warden shall incur no personal or other liability by reason of executing any such instrument.

Mortgagee may
satisfy liens.

Ibid, sec. 219

219. Any mortgagee of the mining privilege ordered to be sold as aforesaid may, at any time before the sale, apply to the Warden for leave to pay into Court whatever sum is necessary in order to satisfy

the liens with costs and expenses, and thereby avoid the necessity of the sale; and upon the sum as fixed by the Warden being paid into Court the Warden may by order stop the sale.

220. The sum so paid into Court shall be applied in like manner as in the case of the proceeds of a sale, and all moneys (including costs and expenses) expended or incurred under this or the last preceding section by the mortgagee shall, by force of this Act, be deemed to be added to and to form part of the principal moneys owing under his mortgage, and shall be covered by the security thereof accordingly.

Moneys so expended to be added to mortgage.
1905, No. 39, sec. 220

221. For the purposes of the seven last preceding sections the expression "mining privilege" includes all plant and machinery situate on or worked in connection with the mining privilege and belonging to the holder thereof; and "holder of a mining privilege" includes any person (whether registered or not) having any legal or equitable interest in the mining privilege.

Mining privilege includes plant and machinery.
Ibid, sec. 221
1905, No. 55, sec. 14

222. Except in so far as is prescribed by regulations under this Act, "The Wages Protection and Contractors' Liens Act, 1908," shall not apply to any such lien as aforesaid.

Exceptions.
1905, No. 39, sec. 222

223. With respect to tributers in any claim, but irrespective of their rights under the aforesaid Act, the following special provisions shall apply:—

Lien of tributers on earnings of claim.
Ibid, sec. 223

(a.) As against the holder of such claim, and all persons claiming under or through him (hereinafter called "such holder"), every such tributer shall, in respect of his labour in such claim, have a lien upon all earnings the result of such labour:

Provided that the amount of such lien shall not exceed at any one time four weeks' wages, computed at half the rate current in the district, such rate being in no case deemed to be more than two pounds per week.

(b.) If such earnings are in the possession of the party of tributers, it shall be lawful for them to deduct therefrom the amount of every such lien before delivering up any such earnings to such holder.

(c.) If whilst any such lien is unsatisfied such earnings are in possession of such holder, it shall be his duty to apply the same in or towards equal satisfaction of all such liens; and if he fails or neglects so to do within two days after receipt by him, his manager or agent, of demand in writing in that behalf from any such tributer, then, without affecting the validity of any such lien, the amount thereof shall, to the extent of the total value of such earnings, but not further or otherwise, be deemed to be a debt due from him to the tributer entitled to such lien, and may be recovered accordingly.

(d.) So long as the lien of a tributer remains unsatisfied to the extent of more than two weeks' wages computed as aforesaid, and such holder has in his possession earnings available but unapplied in or towards satisfaction thereof, such holder shall not be entitled to count such tributer as a workman for the purposes of compliance with the prescribed labour conditions.

- (e.) If any question at any time arises as to the amount of such earnings as aforesaid, or as to the mode of computing the same, or as to the amount of any lien, or as to the mode of enforcing and satisfying the same, the Warden shall decide, and his decision shall be final.

Right to metals and minerals found to vest in employer.
1905, No. 39, sec. 224

224. If any person is employed for hire or reward to work in a claim, or to prospect, the right to all metals and minerals found by him in the course of such employment, and also the right to take up or hold any claim or other mining privilege on the land on which he is so employed, shall, as between him and his employer, vest in the employer and not in the person so employed, and for the purposes of such employment it shall not be necessary for such person to himself hold a miner's right.

As to Tribute Agreements.

Provisions as to agreements for working claims on tribute.

Ibid., sec. 225
1905, No. 55, sec. 15

225. With respect to every agreement for the working of a claim on tribute the following provisions shall apply:—

- (a.) The agreement shall be in writing, signed by or on behalf of the parties, and shall have no force or effect as against the tributers unless and until, by memorandum thereon under his hand, the Warden, on the application of the claimholder, certifies that the terms and conditions are reasonable and proper in so far as concerns the interests of the tributers:

Provided that the tributers shall be at liberty to enforce the agreement, notwithstanding the fact that the Warden's certificate has not been given.

- (b.) Where a quartz claim is let on tribute, the amount of tribute-money payable to the owner for ground let in blocks shall not exceed ten per centum of the value of the gold won in the case of surface blocks, or fifteen per centum in the case of blocks where winding or pumping is required.
- (c.) In every tribute agreement there shall be expressed or implied a provision that no tribute-money shall be payable in any case where the value of the gold won, deducting all expenses other than wages, does not exceed half the current rate of wages.
- (d.) Notwithstanding anything to the contrary in the agreement, no provision contained therein for the forfeiture or cancellation thereof or of the tributer's rights thereunder shall operate or be enforceable by the claimholder or his successor in title without the consent in writing of the Warden.
- (e.) Notice of the intended application for such consent shall be given to the tributers, or to at least one of them, by the applicant.
- (f.) On the hearing of the application the Warden shall have regard to the equities of the case, and, after hearing the parties, may grant or refuse the application, or relieve from forfeiture or cancellation, on such terms as he thinks equitable, or make such other order in the premises as he thinks equitable; and every such order shall be binding on the parties.
- (g.) Nothing in this section or in any such agreement shall operate to limit the rights of tributers under section two hundred and twenty-three hereof.
- (h.) The stamp duty payable on any instrument of agreement to work as a tributer in any claim shall be one shilling.

PART V.

WORKING, REGULATION, AND INSPECTION OF MINES.

As to Certificated Mine-managers, Battery Superintendents, Engine-drivers, and Dredgemasters.

226. For the purpose of conducting the examination of applicants for certificates as mine-managers, battery superintendents, or dredgemasters under this Act, and issuing such certificates, there is hereby constituted a Board of Examiners (hereinafter called "the Board"), consisting of—

Board of Examiners.
1905, No. 39, sec. 226

The Director of the Geological Survey of New Zealand ;

The Surveyor-General ;

The Inspecting Engineer of Mines ; and

Four other persons to be appointed by the Governor, all of whom shall be holders of first-class mine-managers' certificates.

227. With respect to the Board the following provisions shall apply :—

Appointment of
Chairman,
examinations and
procedure, and
alteration of
constitution.
Ibid, sec. 227

(a.) The Governor shall appoint one of the members of the Board to be its Chairman, and may also appoint a fit person to be its Secretary.

(b.) All examinations shall be conducted and certificates shall be issued by the Board according to regulations under this Act; and, subject to such regulations, the Board may, by by-laws or otherwise, prescribe its own procedure.

(c.) The Governor may from time to time alter the constitution of the Board by appointing as members thereof other persons in lieu of those hereinbefore mentioned ; or may authorise and direct any School of Mines, or any persons other than the Board, to conduct examinations, grant certificates, and generally exercise all the powers and functions by this Act conferred on the Board.

228. (1.) Every person employed or acting in the capacity of a mine-manager of any mine shall be the holder of a mine-manager's certificate of the first or second class under this Act.

Mine-manager to be
holder of certificate.
Ibid, sec. 228

(2.) If such mine is worked from a shaft or inclined plane where winding or pumping machinery is used, such certificate shall be a first-class certificate.

(3.) If such mine is worked from an adit level where no winding or pumping machinery is used, such certificate need only be a second-class certificate.

229. Every person employed or acting in any mine in charge of the machinery and appliances used therein for the purpose of treating any ore, metal, or mineral by the cyanide-of-potassium process, or such other process as the Governor from time to time declares to be a chemical process within the meaning of this Act, shall be the holder of a battery superintendent's certificate under this Act.

Battery superin-
tendent's certificate.
Ibid, sec. 229

230. Every person employed or acting in any mine in the capacity of an engine-driver in charge of any engine or winding machinery by

Engine-driver to
have certificate.
Ibid, sec. 230
1905, No. 55, sec 16

means whereof persons are drawn up, down, or along any shaft, pit, plane, or level, or which is used in sinking any shaft, shall be the holder of an engine-driver's certificate under "The Inspection of Machinery Act, 1908."

Dredgemasters to hold certificate.
1905, No. 39, sec. 231

231. (1.) The master or other person in charge of every dredge employed in any deep or swift-flowing stream shall be the holder of a dredgemaster's certificate issued by the Board.

(2.) The examination shall be in such special subjects as are prescribed by regulations.

Certificates issued under former Mining Acts saved.
Ibid, sec. 232

232. All certificates issued by the Board of Examiners under any former Mining Act, and in force on the coming into operation of this Act, shall be deemed to have been issued under this Act.

Certificates by Examination.

Application to be examined.
Fee.
Ibid, sec. 233

233. (1.) Every person desiring to obtain by examination a certificate as mine-manager, battery superintendent, or dredgemaster under this Act shall make application to the Board to be examined, and shall forward with his application the fee of one pound :

Provided that if the candidate fails to pass such examination he may be examined again at the end of three months without the payment of any further fee.

Subjects of examination.

(2.) The examination shall be such as to satisfy the Board that the candidate possesses,—

(a.) In the case of a mine-manager's certificate, such knowledge and practical experience of the working of a mine as entitles him to a certificate of the first or second class, as the case may be ; and

(b.) In the case of a battery superintendent's certificate, such knowledge and practical experience of the machinery and appliances used in working the process employed as entitles him to such certificate.

Candidate to supply proof of experience.
Ibid, sec. 234

234. The candidate shall supply to the Board evidence in writing from his previous employers in proof of the nature and extent of his practical experience ; such experience being in the case of a candidate for a mine-manager's certificate not less than five years' actual employment in the underground workings of a mine, and in any other case actual employment of such nature and for such period as are prescribed.

Certificates without Examination.

Certificates from outside New Zealand recognised.
Ibid, sec. 235

235. On payment of a fee of ten shillings the Board may, without examination, grant any of the certificates aforesaid to any person of good repute who satisfies the Board that he is the holder of a corresponding certificate of equal status granted after examination by any duly constituted and recognised authority outside New Zealand.

Employment and Disqualification of Certificate-holders.

When unlawful to work without manager, superintendent, or engine-driver.
Ibid, sec. 237
1905, No. 55, sec. 16

236. It shall not be lawful—

(a.) To carry on mining operations in any mine where more than twelve men are employed unless such mine and operations are under the management and charge of a duly certificated mine-manager :

Provided that this paragraph shall not apply in the case of a sluicing or dredging claim : nor

- (b.) To use the cyanide-of-potassium process, or any other chemical process within the meaning of this Act, in or in connection with any mine unless such process and the machinery and appliances connected therewith are under the management and charge of a duly certificated battery superintendent: nor
- (c.) To use in or in connection with any mine any engine or winding machinery by means whereof persons are drawn up, down, or along any shaft, pit, plane, or level, or which is used in sinking any shaft, unless such engine or machinery is under the charge of a duly certificated engine-driver.

237. The owner of any mine wherein a mine-manager or battery superintendent is employed shall, by notification in writing, furnish to the Inspector, and also to the Minister, the name of such manager or superintendent, together with the number and class of his certificate; and shall also at all times cause such name to be kept posted in some conspicuous place at the entrance of the mine.

Name of mine-manager or battery superintendent to be furnished.
1905, No. 39, sec. 238

238. (1.) If any mine-manager is incapacitated from performing his duties, or is about to be absent from the mine for more than three days, he or the agent of the mine shall in writing appoint some person, being the holder of a mine-manager's certificate, to act as deputy manager during such incapacity or absence; provided that no such deputy shall act for more than fourteen days unless authorised so to do by the Inspector.

Deputy manager.
1905, No. 55, sec. 19

(2.) Notice of every such appointment shall be sent to the Inspector within two days from the date thereof.

239. Every person employed or acting as a mine-manager, battery superintendent, or engine-driver in connection with any mine other than a sluicing or dredging claim, or as dredgemaster on any dredge, shall produce his certificate to the Warden or any Inspector of Mines or Inspector of Machinery whenever required by the Warden or any such Inspector so to do.

Certificate to be produced to Warden or Inspector.
1905, No. 39, sec. 239

As to the Employment of Persons in Mines.

240. With respect to persons in charge of machinery used in connection with any mine, or with the treatment of the products of any mine, the following provisions shall apply :—

Limit of hours of employment in mines.

- (a.) Except in cases of breakage, or other special emergency, no such person shall be employed for a longer period than eight consecutive hours at any one time; and between each such period and the next there shall be an interval of at least four hours.

Ibid, sec. 240

- (b.) Such period of eight hours shall be exclusive of meal-times, and also of the time (if any) occupied in raising or exhausting steam or drawing fires in connection with the machinery in his charge.

- (c.) Such person shall be entitled to holidays at the rate of not less than one whole holiday or two half-holidays for every eight weeks (whether consecutive or not) during which he is employed in charge of such machinery on seven consecutive days in each such week.

(d.) Such person commits an offence if, whilst in charge of such machinery, property is damaged or destroyed in consequence of his negligence.

Who may not work
in mine.
1905, No. 39, sec. 241

241. No female person of any age, and no male person under the age of fourteen years, shall be employed for hire in any capacity in or about a mine :

Provided that this shall not apply in the case of clerical employment.

Limit of employ-
ment of persons
under eighteen.
Ibid, sec. 242

242. No person under the age of eighteen years shall at any time be employed as lander or bracman over any shaft; nor, except in cases of breakage or other special emergency, shall he be employed in any capacity in or about a mine for more than forty-eight hours in any week, or for more than eight hours in any consecutive period of twenty-four hours, exclusive nevertheless of meal-times.

Employment of
manual labour in
mines on Sunday
prohibited.
Ibid, sec. 243

243. Except in cases where the previous authority in writing of an Inspector of Mines has been obtained, it shall not be lawful for any person or company to directly or indirectly employ any workman on Sunday for hire or reward to do any skilled or unskilled manual labour in or about any mine.

Cases in which
Inspector may
grant permission.
Ibid, sec. 244

244. No Inspector of Mines shall give any such authority as aforesaid, except in cases where he is satisfied that the labour cannot be suspended on Sunday without risk of injury to the mine or its operations; and, when giving such authority, he shall in each case state in writing his reasons for granting such authority, and shall specify the number of workmen that may be employed and the nature of their employment, and the period during which such authority shall extend.

Right of appeal.
Ibid, sec. 245

245. There shall be the right of appeal to the Warden of the mining district from the decision of any Inspector of Mines in respect of the granting or refusing of an authority under the two last preceding sections.

Fine for employing
workman on
Sunday.
Ibid, sec. 246

246. If any workman is employed in breach of section two hundred and forty-three hereof, the person or company employing him, and also, where the employer is a company, the mine-manager and every director thereof, are severally liable to a fine not exceeding five pounds :

What a sufficient
defence.

Provided that it shall be a sufficient defence to a prosecution if the Court is satisfied that the employment was rendered necessary by reason of breakage or other special emergency involving danger to life or damage to property.

Not to affect other
provision.
Ibid, sec. 247

247. Nothing in sections two hundred and forty-three to two hundred and forty-six hereof shall be construed to affect the operation of section seventeen of "The Police Offences Act, 1908" :

Provided that no person shall be punished twice for the same offence.

Overtime and
hours for working
underground.
Ibid, sec. 248
1905, No. 55, sec. 4

248. (1.) Every workman employed underground in a mine shall be entitled to be paid overtime for the period during which he is employed underground for more than eight hours in any day, counting from the time he enters the underground workings of the mine to the time he leaves the same.

Rate of wages for
work on Sundays
or holidays.
1906, No. 47, sec. 6

(2.) Every workman employed on Sundays or holidays in or about any mine or battery shall be entitled to be paid, during the time he is so employed, wages at the rate of one and a half times his ordinary wages.

As to Drainage of Mines.

249. In any case where any person employs efficient machinery in raising or draining water from any mine he shall be entitled to receive reasonable contribution towards the expense thereby incurred from the owner of every adjacent mine which is thereby benefited, or which by reason of its mode of working adds to the quantity of water to be thereby raised or drained.

Owners of mines to contribute to cost of raising water by machinery.

1905, No. 39, sec. 249

250. (1.) Such person shall not be liable for any damage or injury caused to any such contributing mine by reason of the stoppage of his draining operations if such stoppage is caused by accident to his machinery or any other cause beyond his control, provided that he exercises all due diligence in repairing his machinery and resuming his draining operations.

Not liable for accidental stoppage of machinery.

Ibid, sec. 250

(2.) Excepting as aforesaid, such person shall be liable for all damage or injury caused to any such contributing mine by reason of the discontinuance of his draining operations, unless he gives to the owner of such mine not less than three months' previous notice in writing of his intention to discontinue such operations.

Liable for other discontinuance unless notice given.

Ibid, sec. 251

251. The Council of any county or borough may from time to time contribute out of the County or Borough Fund such sums as it thinks fit towards the expenses incurred by any such person in draining mines within or adjacent to the county or borough.

Council may contribute to expenses of draining.

Ibid, sec. 252

252. The Governor may from time to time, as he thinks fit, by regulations or otherwise,—

(a.) Fix drainage-areas :

(b.) Constitute and appoint for each drainage-area one or more Drainage Boards :

(c.) Prescribe with respect to each such Board its powers and functions, the number of its members, their tenure of office, and the mode of their election or appointment :

(d.) Prescribe the mode in which and the extent to which such Boards may assess drainage rates on lands within their drainage-areas :

(e.) Prescribe the mode in which such assessment may be appealed against, and the procedure on such appeals :

(f.) Prescribe the mode in which such rates may be levied, collected, and recovered :

(g.) Prescribe the mode in which contributions under section two hundred and forty-nine hereof may be made, assessed, fixed, and recovered :

(h.) Prescribe whatever else he deems necessary in order to provide for the effective drainage of mines at the common expense of the holders thereof :

(i.) Alter or abolish the Thames Drainage Board and drainage-area.

Governor may by regulations fix drainage-areas, constitute Drainage Boards, and prescribe their functions, &c.

Ibid, sec. 253

253. Except in so far as may be otherwise provided by the Governor under the last preceding section, nothing in this Act shall be construed to repeal the Order in Council dated the nineteenth day of January, one thousand eight hundred and eighty-six, or the regulations made thereunder, or to prejudicially affect the Thames Drainage Board as constituted or the drainage-area as fixed by those regulations, or the powers and functions thereby conferred upon that Board.

Thames Drainage Board deemed duly constituted

Ibid, sec. 254

As to the Working of Mines, and the Safety of Life and Property therein.

General rules.

1905, No. 39, sec. 255

1905, No. 55, sec. 17

1906, No. 47, sec. 2

Ventilation.

254. The following general rules shall, so far as practicable, be observed in every mine :—

- (1.) Ventilation to such extent as is prescribed shall be constantly produced in every mine, to the intent that the shafts, winzes, sumps, levels, and working-places of such mine, and the travelling-roads to and from such working-places, may at all times be in a fit state for working and passing therein ; and, in particular,—

(a.) In every case where quartz or other substances are crushed in a dry state, or where rock-drills are used, there shall at all times be used in and about the battery or place where such crushing or drilling is done such appliances as in the opinion of the Inspector will effectually keep the air pure and prevent dust circulating in the place where such operations are being carried on, and for this purpose an adequate supply of water shall be provided :

Provided that where either the owner or the workmen's inspector is dissatisfied with the opinion of the Inspector an appeal shall lie to the Warden, whose decision shall be final.

(b.) For the purpose of insuring full ventilation in underground workings the Inspector may require any level to be connected with the next higher level by an uprise or winze.

- (2.) All cyanide and concentrating plants shall be covered, except where in the opinion of the Inspector covering is not necessary.

- (3.) Gunpowder or other explosive or inflammable substance shall only be used in a mine as hereunder provided, that is to say,—

(a.) It shall not be stored on the surface or adjacent to the mine unless in such magazine and in such quantities as may in writing be approved by the Inspector.

(b.) It shall not be stored in the mine in any quantity exceeding what would be required for use during six working-days for the purpose of the mine ; and, whilst so stored, it shall be kept in a drive or chamber separated by a door fixed across such drive or chamber at least thirty feet from any travelling-road.

(c.) It shall not be taken for use into the workings of the mine except in quantities actually required during the shift, not exceeding sixteen pounds of gunpowder or ten pounds of nitro compounds or nitro-glycerine compounds in workings where drilling-machines are used, and not exceeding eight pounds of gunpowder or five pounds of nitro-glycerine compounds in any other working, nor in any case except in securely covered cases or canisters.

(d.) A workman shall not have in use at one time in any one place more than one of such cases or canisters.

(e.) Detonators for blasting shall be kept stored on the surface of the ground in a covered box placed in the powder-magazine apart from other explosives.

Cyanide and
concentrating
plants.Gunpowder and
blasting.

(f.) Not more than one hundred detonators shall be kept for service in any mine at one time, and these shall be kept in a covered box in the drive or chamber set apart for the purpose, and shall be only taken out in such quantities as are required for immediate use. Detonators shall not, on any pretence whatsoever, be placed near any travelling-road, pass, or working-face.

(g.) No person shall enter with a naked light a powder-magazine, or any excavation in a mine where powder or other explosive or inflammable substance is stored.

(h.) No iron or steel pricker shall be used in blasting, and no iron or steel tool shall be used in tamping or ramming, and no iron or steel pricker or tamping-bar shall be taken into any mine.

(i.) The owner of the mine shall provide copper prickers.

(j.) A charge which has missed fire may be drawn by a copper pricker, but shall not be visited until three hours have elapsed from the time of lighting the fuse of such charge. In no case shall an iron or steel drill be used for the purpose of drawing or drilling out such charge, nor shall any charge be drawn where nitro compounds or nitro-glycerine compounds or detonators have been used:

Provided that this paragraph shall not apply to charges fired by an electric current.

(k.) No person under the age of eighteen years shall be allowed to charge a hole with explosives or to fire any charge.

(l.) No drill-hole shall be bored within a distance of three feet directly below or within one foot in any other direction from the site of a previously exploded charge of any nitro compound or nitro-glycerine compound, and no drill-hole shall be bored in any remaining portion of a hole in which a charge of nitro compound or nitro-glycerine compound has been previously exploded.

(m.) In all cases where the fumes arising from the explosion of any nitro compound or nitro-glycerine compound cannot be effectively dispersed by ventilation or spray of water from the mine, such fumes shall be neutralised or rendered innocuous by the person in charge of the blasting operations by the use of a spray of solution of sulphate of iron before the miners are permitted to return to the sites of such blasting operations.

(n.) Miners employed in blasting with nitro compounds or nitro-glycerine compounds shall be supplied by their employer with the means of thawing such compounds, and with the means of producing sulphate-of-iron spray.

- (4.) Every underground plane on which persons travel, and which is self-acting or worked by an engine, windlass, or gin, shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping-places and the ends of the plane, and shall be provided in every case (at intervals of not more than twenty yards) with sufficient manholes for places of refuge.

Manholes in self-acting or engine planes.

Spaces in horse-roads.

(5.) Every road on which persons travel underground, where the produce of the mine in transit exceeds ten tons in any one hour over any part thereof, and where the load is drawn by a horse or other animal, shall be provided (at intervals of not more than one hundred yards) with sufficient spaces for places of refuge, each of which spaces shall be of sufficient length and of at least three feet in width between the wagons running on the tramroad and the side of the road.

Keeping spaces clear.

(6.) Every manhole and space for a place of refuge shall be constantly kept clear, and no person shall place anything in such manhole or space so as to prevent access thereto.

Fencing off entrance to shafts.

(7.) The top and all entrances between the top and bottom of every working or pumping shaft shall be properly and securely fenced or securely covered, but this provision shall not be taken to forbid the temporary removal of any fence or cover for the purpose of repairs or other operations if proper precautions are used.

Abandoned or disused shaft.

(8.) Every abandoned or disused shaft shall be fenced or securely covered in, and its position indicated on the surface by a post or cairn of stones, or such other permanent distinguishing-mark as an Inspector thinks sufficient.

Horizontal bar when fence or cover temporarily removed.

(9.) Where a fence or cover has been temporarily removed from any entrance to a shaft to admit of the performance of ordinary mining operations, a strong horizontal bar shall be securely fixed across such entrance, not less than three nor more than four feet from the floor of the brace chamber or drive, as the case may be.

Securing of shafts.

(10.) Where, in the opinion of the Inspector, the natural strata are not safe every working or pumping shaft shall be securely cased, lined, or otherwise made secure; for which purpose an ample supply of sound good timber shall be kept on the ground ready for immediate use.

Protection of drives.

(11.) Every drive and every excavation of any kind in connection with the working of a mine shall be securely protected and made safe for persons employed therein, and a light shall be kept burning in the chamber of every level whilst any person is working there.

Division of shafts.

(12.) Where one portion of the shaft is used for the ascent and descent of persons by ladders or a man-engine, and another portion of the same shaft is used for raising material, the first-mentioned portion shall be cased or otherwise securely fenced off separate from the last-mentioned portion.

Signalling.

(13.) Every working-shaft in which a cage is used, and every division of such shaft in which persons are raised and lowered, and every shaft in which appliances worked by steam or other machinery are used, shall be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft and from every entrance for the time being in work between the top and the bottom of the shaft to the top, and thence to the engine-room, and from the engine-room and top to the bottom of the shaft and to every entrance for the time being in work between the top and the

bottom of the shaft; and no verbal signals or communications shall be made up or down a shaft exceeding fifty yards in depth, in which cages are used, except through speaking-tubes or telephones in the pump-compartment of such shaft.

- (14.) Every person employed in a mine shall make himself acquainted with the system of signals used in such mine, and a line or some other appliance shall be provided in each shaft to admit of danger-signals being communicated to the engine-driver from any portion of such shaft. Knowledge of signals.
- (15.) A clear view shall be kept for the engine-driver between his station and the shaft at the surface brace. Clear view for engine-driver.
- (16.) All methods of signalling in mines to indicate that men or material are to be raised or lowered in shafts shall be clear and distinct, and shall be posted in a clear and legible form on framed boards, one of which shall be placed at the chamber at the bottom of the workings in the shaft, and the other at the brace at or near the top of the shaft. All modes of signalling to be clear and distinct.
- Such methods shall be subject to the approval of the Inspector, and shall also be subject to such alterations and amendments as may from time to time be indicated by the Minister on the report of the Inspector.
- (17.) Whenever any underground work is being performed in alluvial mines at greater distances than two hundred feet from the shafts, proper means shall be provided for communicating along the lower drives of such mines distinct and definite signals to and from the plats at the bottom of the shafts, and to and from all places in which men are at work. Signalling along drives in alluvial mines.
- (18.) Every cage shall have a sufficient cover overhead when used for lowering or raising persons in any working-shaft. Such cage-cover shall be constructed of iron not less than one quarter of an inch thick, and shall be securely hung on hinges and fitted with sloping sides, so as to be readily lifted upwards by persons within the cage. Wherever practicable, all persons working in shafts shall be protected, by means of a roof or other suitable appliance overhead, from the fall of material down such shafts. Cover overhead.
- (19.) The maximum number of persons that may lawfully be lowered or raised in one cage shall not exceed four, or such greater number as the Inspector, having regard to the size and strength of the cage, gear, and machinery, specially authorises by writing under his hand; and no person shall be permitted to get off or on a cage until it has settled on the beams on the surface of the mine, or reached the bottom or level where it is intended to stop. Regulating descent of persons in cages.
- (20.) No timber, tools, rails, sprags, or other material, except for repairing the shaft, shall be placed in the same cage in which men are being lowered or raised. Materials not to be sent with men.
- (21.) Every brace shall be properly covered to protect the workmen from the inclemency of the weather. Braces to be covered
- (22.) In every shaft in which a whim, whip, or windlass is used, and in every working pit or shaft where no machinery is Proper ladder or footway.

- used, a proper ladder or footway shall be provided for the use of persons employed therein.
- Chains. (23.) A single-linked chain shall not be used for lowering or raising persons in any working shaft or plane, except in the case of short coupling-chains attached to the cage or load, and in such case two single-linked chains of uniform size shall be used to each coupling.
- Ropes and chains to be tested. (24.) Before any rope or chain is used in the shaft it shall be tested and proved to be equal to carrying twice the weight of the ordinary load; and in mines where men are lowered or raised in shafts the ropes and chains shall periodically, at intervals of not more than three months, be tested and proved to be equal to carrying twice the weight of the ordinary load.
- Slipping of rope on drum. (25.) There shall be on the drum of every machine used for lowering or raising persons such flanges or horns, and also, if the drum is conical, such other appliances, as may be sufficient to prevent the rope from slipping.
- Brake. (26.) There shall be attached to every machine worked by steam, water, electrical, or mechanical power, and used for lowering or raising persons, an adequate brake, and also a proper indicator (in addition to any mark on the rope) to show to the person who works the machine the position of the cage or load in the shaft.
- Appliances to prevent sudden fall of cage. (27.) Every cage shall be fitted with special and suitable appliances to prevent its sudden fall down a shaft, and also to prevent its coming into contact with the poppet-heads. Before any such cage is first used it shall be tested in the presence of an Inspector, and it shall not be used unless and until he gives a certificate in writing that it is fitted with such appliances as aforesaid and is in fit working-order.
- Spring catches or tumblers to be affixed to skids. (28.) Spring catches or automatic or self-acting doors or tumblers of a suitable kind shall be affixed to the skids or guides below the poppet-heads of every shaft in which a cage is used, to prevent the fall of such cage down the shaft when detached from the rope or chain by overwinding or otherwise.
- Protection to person descending shaft by rope. (29.) In any shaft exceeding twenty feet in depth, in which cages are not used, no person shall descend or ascend by the aid of machinery unless (in addition to the use of the loop, cross-bar, or other appliance) he is securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the arms, and such method of staying shall be used by every person who finds it necessary, in the execution of his duty, to descend or ascend a shaft on top of the cage-covers.
- Inclination of ladders. (30.) A ladder permanently used for the ascent or descent of persons shall not be fixed in a vertical or overhanging position, except in shafts used exclusively for pumping, but every such ladder shall be inclined at the most convenient angle which the space in which the ladder is fixed allows; and every ladder, whether vertical, overhanging, or inclined, shall have substantial platforms at intervals of not more

than thirty feet, and a suitable fixture for a hand-grip shall be placed above such ladder for the use of persons ascending or descending. In no case shall new vertical or overhanging ladders be constructed, either in substitution for old ones or otherwise.

- (31.) If more than four persons are employed in the mine below ground in one shift, sufficient accommodation shall, if ordered by the Inspector, be provided above ground near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently dry and change their dresses, and in no case shall men be allowed to change their dresses upon a boiler. Dressing-rooms.
- (32.) No person under the age of twenty-one years shall be placed in charge of or have the control of any steam engine or boiler. Control of steam-engine.
- (33.) No person in charge of machinery shall, under any pretext whatever, unless relieved by a competent person for that purpose, absent himself or cease to have continual supervision of such machinery during the time it is in use. Absence from machinery in use.
- (34.) All machinery in which steam, water, electricity, or air, or any two or more of them, are used as motive power shall be subject to the provisions of "The Inspection of Machinery Act, 1908," so far as the same reasonably apply, and no such machinery, erected or fitted up, shall be employed until it has been examined by an Inspector appointed under that Act, and certified by him to be in proper and fit working-condition. Machinery to be examined.
- (35.) All boilers, compressors, engines, gearing, and all other parts of machinery, when used for any mining purpose, or for the treatment of ores, or for the treatment of the products of any mine, shall be kept in a fit state and condition. Machinery to be kept in good order.
- (36.) Every fly-wheel, and all exposed or dangerous parts of the machinery, and every tramway constructed on an elevated platform other than a tramway worked by ropes, shall be kept securely and safely fenced. Fencing machinery.
- (37.) Every steam boiler shall be provided with a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in the boiler, and also with a proper safety valve; and at least once in every six months, or oftener if required, every boiler shall be thoroughly cleansed; and once in every twelve months every such boiler shall be subjected to an hydraulic test, and the date and full description of every such test and cleansing shall be entered in a book to be kept by the mine-manager or other person in charge of the mine, and the entries in such book shall on demand be open to the perusal of any Inspector under this Act or under "The Inspection of Machinery Act, 1908." Gauges to boiler and safety valve.
- (38.) The smoke from every boiler for generating steam, and from every furnace used in any part of the underground workings of a mine, shall not be allowed to escape into any part of such workings, nor in any manner other than by means of an airtight flue conducting such smoke directly from the Smoke not to be allowed to escape.

- boiler or furnace into a vertical shaft cut in the rock up to the surface of the ground to the open air, or built up to the surface as aforesaid with bricks and cement in such manner as to be completely airtight.
- Wilful damage. (39.) No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety valve, or other appliance or thing provided in any mine in compliance with this Act.
- Abandoned shafts not to be damaged. (40.) Except with the consent of the Minister, no person shall, after any shaft or underground workings have become disused for mining purposes, wilfully damage or render useless such shaft or workings by the removal of any fencing, covering, casing, lining, ladder, platform, or other appliance therein.
- Boring-rods to be used. (41.) In every working in a mine approaching a place likely to contain a dangerous accumulation of water, boring-rods shall be kept and used for the purpose of perforating the ground twenty feet in advance of or near or at any angle from such working; and no drive, gallery, or other excavation shall be made within what, in the opinion of the Inspector, is a dangerous distance of such accumulation of water.
- Mines liable to flood to have escape-drives. (42.) In every mine which in the opinion of an Inspector is liable to an inundation or inburst of water, such additional rises, chambers, drives, and other workings shall be constructed as are necessary and as are prescribed by the Minister or the Inspector, in order to insure the escape of workmen from the lower workings or their safety in the mine during the period of any inundation or inburst of water.
- Ladders to be provided in each rise. (43.) Ladders (and, when necessary, convenient platforms connected therewith) shall be provided in each rise, jump-up, or passage giving access to workings at a higher level in a mine, and a notice shall be posted at the foot of each such rise, jump-up, or passage stating the height of such rise, jump-up, or passage to the chamber or drive above.
- Mine-manager to examine safety appliances, buildings, &c. (44.) The mine-manager of the mine, or other competent person appointed for such purpose, shall once at least in every twenty-four hours examine the state of all safety appliances or gear connected with the cages, winding-ropes, or shafts; and the manager shall once in each week carefully examine the buildings, machinery, shafts, levels, planes, and all places used in the working of such mine; and every such manager and person forthwith after every such examination shall record in writing, in a book to be kept for that purpose, his opinion as to their condition and safety, and as to any alterations or repairs required to insure greater safety to the persons employed in the working of such mine.
- Condemned appliances to be removed. (45.) Such book shall, on demand, be open to the inspection and perusal of any Inspector of Mines or Inspector of Machinery; and every such safety appliance or gear, if condemned by any such Inspector, shall be forthwith removed or made fit to his satisfaction.

(46.) Such book, or a copy thereof, and a copy of this Act, and of every amendment thereof and of the regulations thereunder, shall be kept at the office at the mine, or, if there is no office, at some convenient place near the mine, and any Inspector and any person employed in the mine may at all reasonable times inspect and take copies thereof or extracts therefrom.

Books and copy of Act to be kept at mine.

(47.) Any mine-manager, or any person in charge of or giving orders or directions relating to the carrying-on of any mining operations in or about a mine, who contravenes or does not comply with any of the general rules in this section commits an offence, unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance.

Offence by mine-manager.

(48.) A printed copy of this section shall be posted in the office and on some building or board in a conspicuous place in connection with every mine.

Copy of this section to be publicly posted.

255. The provisions of paragraphs forty-four to forty-six of the last preceding section shall, *mutatis mutandis*, extend and apply to dredges and dredgemasters.

Certain provisions to apply to dredges.
1905, No. 55, sec. 22

256. Every person employed in a mine who damages, or misuses, or fails to use when necessary, any appliance for the prevention of dust, fumes, or smoke, or any other sanitary appliance provided by the owner of the mine, is liable to a fine not exceeding ten pounds.

Misusing or not using sanitary appliances.
Ibid, sec. 18

257. Notwithstanding anything in section two hundred and eighty-three hereof, proceedings for the recovery of a fine in respect of the breach of any of the general rules prescribed by this Act may be instituted by the mine-manager of the mine at which the breach was committed.

Manager may institute proceedings in certain cases.
Ibid, sec. 25

As to Plans and Inspection of Mines.

258. (1.) The owner of every mine where more than twelve men are employed—

Plans of underground workings of mine to be kept.

(a.) Shall keep at the office at the mine a full and accurate plan of the underground workings of such mine, made to a scale of not less than one inch to two chains by a duly certificated mine-manager, or a duly qualified mining engineer, or a duly authorised surveyor, and showing the longitudinal sections of such workings on the different lodes and levels; and also

1905, No. 39, sec. 256

(b.) Shall at all reasonable times produce such plan to and permit the same to be copied or examined by an Inspector, or by any other person whom any Inspector or Warden authorises in that behalf; and also

(c.) Shall, whenever requested by such Inspector or other person so to do, accurately mark on such plan the progress of the workings of the mine up to the time of such request, and shall allow such Inspector or person to examine and take a copy or tracing thereof; and also

(d.) Shall forward to the Inspector, once in every six months, a copy or tracing of such plan, with the workings of the mine up to one month previously marked accurately thereon.

Inspector may
require plan to be
made.

1905, No. 39, sec. 257

Check survey on
default or if plan
incorrect.

Further plans to be
kept in mines liable
to be flooded.

Ibid, sec. 258

(2.) If default is made in duly keeping or producing or marking or forwarding such plan as aforesaid, the Inspector may, by notice in writing delivered at the office of the mine or otherwise (whether a penalty for such default has or has not been inflicted), require the owner to cause such plan to be made, produced, marked, or forwarded, as the case may be, to him within a reasonable time, and it shall be the duty of such owner to comply with such request at his own expense.

(3.) If default is made in duly complying with such request, or if the Inspector has reason to think that any plan produced or forwarded to him is incorrect, he shall report the fact to the Minister, who, if he thinks fit, may cause a check survey to be made; and, unless the plan produced or forwarded as aforesaid proves to be correct in every material respect, the owner shall be liable to pay all costs and charges for making such check survey or in connection therewith, and such costs and charges may be recovered as a debt due to the Crown.

259. If in the opinion of the Minister any mine contains or is likely at any time to contain dangerous accumulations of water, the following provisions shall apply:—

(a.) The Minister may, by notice in writing addressed in general terms to the person in charge of such mine, and delivered at the mine, order that an accurate plan and sections of the shafts, drives, levels, and all other underground workings of such mine be made by the owner to such scale as aforesaid, and a copy or tracing thereof deposited by him in the office of the Warden nearest to such mine within one month from the date of such order, or such extended time as in special circumstances the Warden may authorise.

(b.) It shall be the duty of the owner and mine-manager of such mine to duly comply with such order, and also with the succeeding provisions of this section.

(c.) All additions of any kind to the underground workings of such mine made after the date of such order shall, at such periodical intervals as on the report of the Inspector the Warden from time to time prescribes, be correctly marked upon the original plan and sections, and also upon the copy or tracing deposited in the Warden's office:

Provided that such periodical intervals shall in no case be longer than two months or shorter than one week.

(d.) Any person, with the sanction in writing of the Minister or the Warden, shall be allowed at any time to inspect the deposited copy or tracing of such plan and sections; and any Inspector under this Act shall be permitted at any time to examine the plan and sections of the underground workings of the mine.

260. In order to prevent damage being done to the mining industry on the Thames Goldfield by the flooding of claims with water consequent on the reckless prosecution of mining operations seawards, the following provisions shall apply:—

(a.) It shall not be lawful for any person to in any way carry on mining operations under the sea on the Thames Goldfield, or, in carrying on mining operations, to in any way cut into what is known as "the seaward slide," between Shell-

Provision for
protecting mines at
Thames from
flooding.

Ibid, sec. 259

back Creek and the Kauaeranga River, on the Thames Goldfield, unless in each instance before beginning such operations he submits to the Inspector a plan thereof and obtains his consent thereto in writing.

- (b.) Such consent may be given on such terms and conditions as the Inspector thinks fit to impose, and shall be deemed to be subject to the special condition that he may withdraw such consent at any stage of such operations.
- (c.) It shall be the duty of the Inspector to withdraw such consent whenever, in his opinion, the further prosecution of any such operations may lead to an influx of water, whether from the sea or otherwise.
- (d.) If the Inspector is at any time of opinion that any person's mining operations are being prosecuted so near to the said slide as to be likely to lead to an influx of water, whether from the sea or otherwise, he may, by notice in writing, require such person to stop such operations, and it shall be the duty of such person to forthwith stop the same accordingly.
- (e.) If any person carries on such operations without such consent, or in breach of any of the terms or conditions subject to which such consent was given, or continues to prosecute any such operations after the withdrawal of such consent or after receiving notice from the Inspector to stop the same, he commits an offence, and is liable to a fine not exceeding five hundred pounds, and is also civilly liable for all damage done to any person's claim by the influx of water consequent on the committal of such offence.

261. In any case where any Inspector finds any mine or any part thereof, or any machine, plant, matter, thing, or practice in or connected therewith, to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, and the case is not elsewhere sufficiently provided for by any express provision of this Act, the following special provisions shall apply:—

Inspector to give notice of dangerous or defective matters not provided for.
1905, No. 39, sec. 260
1905, No. 55, sec. 20

- (a.) The Inspector shall, by requisition in writing addressed in general terms to the person in charge of the mine, and delivered at the mine, report to the owner thereof the nature of such danger or defect, together with his reason for holding that the same exists, and require that the matter complained of be forthwith remedied. He shall also report the same to the Minister and to the Warden.
- (b.) If the owner objects to comply with such requisition he may, within seven days after the delivery thereof as aforesaid, send his objections in writing, stating the grounds of his objections, to the Warden, and shall also send a copy of the same to the Inspector, who shall report on the same to the Warden. Objections.
- (c.) The Warden shall fix a time for the hearing of the objections, and shall cause notice to be given to the owner and to the Inspector of the time so fixed.
- (d.) On the hearing the Warden may by order confirm, reverse, or modify the requisition as he thinks fit, and such order shall be final and binding on all parties.

- (e.) If the owner fails to comply with the requisition or order, and such failure continues for fourteen days after the expiration of the time for objection or after the date of the order, as the case may be, he commits an offence.
- (f.) In any proceedings in respect of such offence the Court, if satisfied that the owner has taken active measures for complying with the requisition or order, but has not with reasonable diligence been able to complete the works, may adjourn such proceedings, and if the works are completed within a reasonable time no fine shall be inflicted.
- (g.) No person shall be deemed to be precluded by any contract or agreement from doing such acts as may be necessary to comply with any of the provisions of this section, or be liable under any contract or agreement to any penalty or forfeiture for doing such acts.

Employees to report
unsafe appliances
or dangerous
matters.

1905, No. 39, sec. 261

262. For the purpose of preventing accidents in mines the following provisions shall apply :—

- (a.) Every person employed in or about any mine shall (before commencing work and whilst at work) satisfy himself of the safety of any tubs, chains, tackle, windlass, ropes, or other appliances he may have to use, and shall refrain from using anything which is unsafe.
- (b.) Every such person who witnesses or becomes aware of any matter which may be likely to produce danger of any kind in the mine shall forthwith notify the same to the person (if any) under whose immediate directions or control he may be ; or, if there is no such person, then to the person in charge of the mine.
- (c.) Every person in sub-charge of and employed in mining operations in any part of the mine shall, on changing his shift, inform the person appointed to relieve him of the state of the workings in the part of the mine in which he has been employed.

Inspector to make
inquiry into
complaints.

Ibid, sec. 262

263. Immediately upon any person employed in a mine making a complaint under this Part of this Act to any Inspector, it shall be the duty of such Inspector to make inquiry into the matter of such complaint, and to take such other steps as he deems necessary to investigate the same, and the name of the informant shall not be divulged by the Inspector.

Inspection of mine
by workmen.

Ibid, sec. 263

264. (1.) Where workmen are employed in a mine, or any of the workmen employed in a mine are members of a society formed in connection with the mining industry and registered under "The Industrial Conciliation and Arbitration Act, 1908," as an industrial union of workers, such workmen or society may, at their own cost, appoint two persons (whether employed in the mine to be inspected or not) to inspect the mine :

Provided that where the men so appointed to inspect the mine are not employed therein they shall produce, prior to each inspection, a certificate from a Magistrate or Justice that he is satisfied with the *bona fides* of the application for inspection.

(2.) With respect to such inspection the following provisions shall apply :—

- (a.) The inspecting workmen shall have full liberty to visit and inspect every part of the mine, its machinery and workings, once at least in every month.
- (b.) The mine-owner and mine-manager may accompany the inspecting workmen in their inspection, and shall give them full and free facilities for the inspection.
- (c.) The inspecting workmen shall make a full and faithful report in writing of the result of the inspection.
- (d.) Such report shall be signed by the inspecting workmen, and they shall furnish a copy thereof to the owner or manager of the mine, who shall cause the same to be recorded in a book kept at the mine.
- (e.) Such book shall be kept at the office at the mine, and any Inspector under this Act, or workman employed in the mine, or officer of the aforesaid society may at all reasonable times inspect such book, and take copies of or extracts from the reports recorded therein.

As to Accidents in Mines.

265. Every person who, by himself, his agent or servant, is guilty of negligence by which any person is injured or killed commits an offence.

Negligence an offence if person injured or killed.
1905, No. 39, sec. 264
Official inquiries in case of accidents.
1905, No. 55, sec. 21

266. (1.) Where, in the opinion of the Inspector, an accident in a mine resulting in the death or injury of any person was caused, directly or indirectly, by the non-observance by the mine-manager, battery superintendent, dredgemaster, or engine-driver of the mine of any of the provisions of this Act or of any regulation thereunder, or by reason of his negligence, the Inspector shall apply to the Warden to hold an inquiry into the matter.

(2.) The Warden shall fix a time and place for the holding of such inquiry, and shall cause not less than seven days' notice thereof to be given to the person whose non-observance or negligence is to be inquired into.

(3.) Such notice shall require the person aforesaid to appear at the time and place so fixed, and then and there to produce his certificate to the Court.

(4.) The inquiry shall be held before a Court consisting of the Warden sitting with two Assessors (appointed by the Warden) who shall be the holders of first-class certificates as mine-managers.

(5.) The Court shall have all the powers of a Warden's Court.

(6.) If the Court finds that the accident was caused, directly or indirectly, by the non-observance by the holder of any certificate under this Act of any of the provisions of this Act or of any regulation thereunder, or by reason of his negligence, it may disqualify him by cancelling his certificate or by suspending it for such period as the Court thinks fit; and during the period of such disqualification the person so disqualified shall, for all the purposes of this Act, be deemed not to be the holder of a certificate.

(7.) There shall be the like right of appeal against any order of the Court under this section as if it were an order of the Warden.

(8.) Notice of every such disqualification shall be forwarded by the Warden to the Minister, and shall be published in the *Gazette*.

Presumption of
negligence of owner.
1905, No. 39, sec. 266

267. Any accident occurring in a mine shall be *prima facie* evidence that such accident occurred through some negligence on the part of the owner.

Compensation
recoverable in case
of accidents.
Ibid, sec. 267

268. (1.) If any person employed in or about any mine suffers any injury in person, or is killed, owing to the non-observance in such mine of any of the provisions of this Act, such non-observance not being solely due to the negligence of the person so injured or killed, or owing in any way to the negligence of the owner of such mine, his agents or servants, the person so injured, or his personal representatives, or the personal representatives of the person so killed, may recover from the owner compensation by way of damages as for a tort committed by such owner.

(2.) The amount of such compensation, with the costs of recovering the same when determined, shall constitute a charge on the mine and mining plant in or about which such person was so employed, and all charges arising under the provisions of this section shall, as between themselves, be paid rateably.

(3.) Such compensation may be recovered under the provisions of "The Workers' Compensation for Accidents Act, 1908," or "The Deaths by Accidents Compensation Act, 1908," or "The Employers' Liability Act, 1908," whichever is applicable, according to the circumstances of each particular case; subject, however, that notice of injury having been sustained may be given under the last-mentioned Act at any time within three months from the occurrence of the accident causing the injury, instead of within six weeks as in the said Act mentioned.

(4.) Nothing in this section shall take away from any person any right to take proceedings in respect of a claim for compensation for injury or death by accident which he may have under any Act other than this, if he prefers to proceed under such Act, but in such case he shall forfeit any right he may have to take proceedings under this section.

When accident
occurs mine not to
be interfered with.
Ibid, sec. 268
1905, No. 55, sec. 23

269. In every case where an accident occurs in a mine the following provisions shall apply :—

Notice.

(a.) Except for the sole purpose of saving life or preventing further injury, no portion of the mine shall be interfered with after such accident until inspected by the Coroner's jury or the Inspector, or some other person appointed by the Minister.

(b.) If any person is seriously injured, the mine-manager shall forthwith give a written notice thereof to the Inspector, and a telegraphic notice thereof to the Minister and to the Warden, and to the Inspector, and to the workmen's inspectors appointed under section two hundred and sixty-four hereof.

Report.

(c.) The Warden, or, in his absence, the Registrar or Clerk, may appoint some competent person, in the absence of the Inspector, to examine the place where such accident occurred, and to report to him on the state and condition of such mine.

- (d.) A copy of such report shall be forwarded forthwith to the Minister; and any examination of a mine made as in this section prescribed shall be deemed to be an examination made by an Inspector.
- (e.) The Inspector or other authorised person making the examination shall give notice to the workmen's inspectors appointed under section two hundred and sixty-four hereof of the time when he will visit the mine; and such workmen's inspectors shall be permitted to accompany the Inspector or other authorised person on such visit, and shall report the result thereof in the manner provided by the said section two hundred and sixty-four.

270. With respect to every Coroner's inquest on the body of any person whose death may have been caused by any accident in a mine the following provisions shall apply:—

Coroners' inquests
on deaths from
accidents in mines.
1905, No. 39, sec. 269

- (a.) No person having a personal interest in or employed in or in the management of the mine in which the accident occurred shall be qualified to serve on the jury empanelled on the inquest.
- (b.) It shall be the duty of the constable or other officer summoning the jury not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit on the jury.
- (c.) Whenever practicable, one-half of the jurymen shall be miners.

General Provisions as to Inspection.

271. Without in any way affecting any of the specific provisions hereinbefore contained, it is hereby declared as follows:—

Inspectors to inspect
mines and see Act
carried out.
Powers hereunder.
Ibid, sec. 270

- (a.) It shall be the duty of the Inspector generally to see that the provisions of this Act are complied with, and from time to time to visit and inspect mines and all machinery used therein other than steam engines and boilers; and, for the purpose of enabling him to more effectually perform his duties and functions under this Act, he shall have all the powers of an Inspector of Machinery under "The Inspection of Machinery Act, 1908," and that Act shall be construed accordingly.
- (b.) In the performance of his duties and functions under this Act the Inspector, or any person appointed by him in writing, shall at all convenient times have full and free access to any such mine or machinery, and may use all convenient means and appliances belonging thereto or connected therewith; and it shall be the duty of the owner of such mine or machinery, and all persons in any way employed in or about the same, to afford such assistance as is reasonably required for facilitating such inspection.
- (c.) Every person commits an offence who refuses to permit the use of such means and appliances, or to render such assistance, or who obstructs the Inspector or the person so appointed by him as aforesaid in making any such visit or inspection.

Powers of
Government
Geologist.

(d.) All costs incurred by the Inspector, or which may be awarded against him in any proceedings under this Act, shall be charged upon and be paid out of the goldfields revenue receivable in the district in which the subject-matter of the proceedings is situate or arises, to whomsoever such revenue may be payable; and in no case shall the Inspector be personally liable for such costs.

(e.) The Minister may from time to time empower any Government Geologist, or other officer of the Mines Department, to enter and inspect any mine, and every such officer whilst so empowered shall have all the authority of an Inspector.

Powers of
Health Officers.
1905, No. 55, sec. 24

272. Where it appears to an Inspector that any sanitary defect in a mine may be more effectually remedied or dealt with under "The Public Health Act, 1908," he shall give notice thereof to the District Health Officer, who shall thereupon take such measures as may be necessary to effectually remedy such defect.

Powers of Inspectors
of Machinery not
affected.
1905, No. 39, sec. 271

273. Nothing in this Act shall be deemed to abridge any of the provisions of "The Inspection of Machinery Act, 1908," or any of the duties, functions, or powers of Inspectors under that Act in relation to the inspection in mines of machinery and boilers which are subject to the operation of that Act.

Right of shareholder
to enter mine and
inspect workings.
Ibid, sec. 272

274. (1.) Any person owning any share or interest in any mine, or in any mining company owning or working any mine, shall be entitled at any time between the hours of noon and one o'clock in the afternoon of any working-day to enter such mine, with or without an expert, and to inspect the same and all the workings and mining operations therein, and for such purpose the said person and expert shall have at all times free ingress, egress, and regress in respect of such mine.

(2.) Every manager of a mine, or director or manager of any company as aforesaid, commits an offence if in any way directly or indirectly he prevents, obstructs, or delays any person or expert as aforesaid from exercising the rights conferred upon him by this section.

As to Penalties.

Penalty for offences.
Ibid, sec. 273

275. Every person who in any way contravenes or fails to duly comply with any of the provisions of this Part of this Act commits an offence, and is liable—

(a.) To a fine not exceeding fifty pounds if he is convicted in the capacity of owner of any mine, or mine-manager, underground manager, battery superintendent, or person in charge of or giving orders or directions relating to the carrying-on of any mining operations in any mine, and the burden of proving that he does not hold that capacity shall rest upon him; and

(b.) To a fine not exceeding ten pounds if he is convicted in any other capacity than as aforesaid.

Payment of fine
to person injured.
Ibid, sec. 274

276. If such fine is in respect of an offence by reason whereof any person is injured or killed, the whole or any part of such fine may, by the convicting Court, be awarded to such person or, as the case may be, to his personal representatives, and such award shall be in addition to any right of action such person or personal representatives may have under this Part of this Act or otherwise.

PART VI.

REGISTRATION OF APPLIANCES AND PROCESSES FOR TREATING ORES
AND METALS.

277. In this Part of this Act, if not inconsistent with the con-
text,—

Interpretation.

1905, No. 39, sec. 275

“Licensee” means the person to whom, as owner or proprietor of any machine, a license is issued; and includes also a battery superintendent and any other person who for the time being is in charge of any such machine:

“Machine” means and includes every mechanical, chemical, or other process or appliance of whatsoever nature or kind, and howsoever worked or applied, which is used in “treating” any metal, meaning thereby in extracting any metal from any ore, or in submitting any ore to any process for the purpose of extracting any metal therefrom, or in submitting any metal to any process for the purpose of retorting or refining it after its extraction:

“Machine premises” means and includes the ground, buildings, and premises on or in connection with which any machine is used or intended to be used for the purpose of treating any metal:

“Metal” includes all metals and minerals except what is commonly known as “alluvial gold”:

“Ore” means and includes any earth, clay, quartz, mineral, or other substance containing or having mixed therewith any metal.

278. Any person who as owner or proprietor of any machine desires to work the same for the purpose of treating any metal may, in the prescribed manner, register such machine with the Registrar of the district wherein the machine premises are situate, and obtain from the Registrar a license to work the same; and with respect to every such license the following provisions shall apply:—

Register of
machines, and
license to work
same.

Ibid, sec. 276

(a.) The license shall be in the prescribed form, and whilst in force shall entitle the person named therein, by himself or his workmen, to work the machine specified therein on the machine premises specified therein for the purpose of treating any metal for himself or any other person.

(b.) The license shall continue in force until the thirty-first day of December next ensuing after the issue thereof, and may thereafter be renewed annually in such manner and subject to such conditions as are prescribed.

(c.) A fee of one shilling shall be payable on the issue of the license, and on each annual renewal thereof.

(d.) The license may comprise more machines than one, provided they are all situate in the same machine premises.

279. If an unregistered machine is found on any machine premises, every person owning or having any interest in such machine or premises, or being in charge of such machine is liable to a fine not exceeding fifty pounds.

Fine for having
unregistered
machine.

Ibid, sec. 277

Metals to be treated
by registered
machine worked by
licensee.

1905, No. 39, sec. 278

280. With respect to the treatment of metals by machines the following provisions shall apply :—

- (a.) No metal shall be treated by means of an unregistered machine.
- (b.) No metal shall be treated by means of a registered machine unless the same is worked at the machine premises specified in his license, and by the licensee or his workmen or some other person authorised by him.
- (c.) If any person treats any metal, or delivers any ore or metal for treatment, in breach of this section he is liable to a fine not exceeding one hundred pounds.

Rules as to register,
account, and returns
of all ore and metals
treated.

Ibid, sec. 279

281. With respect to every registered machine and the licensee thereof the following provisions shall apply :—

- (a.) Every licensee shall at all times keep a book called a "Machine Register-book," wherein he shall enter from day to day true and correct accounts of all ore or metal received for treatment by his machine, and of the result of such treatment, together with such other particulars as are prescribed.
- (b.) Such Register-book shall be in the prescribed form.
- (c.) Each entry therein of ore or metal received for treatment shall be made forthwith upon receipt thereof, and each entry therein of the result of the treatment of any ore or metal shall be made forthwith upon such result being ascertained.
- (d.) If any licensee neglects or delays to keep such book or to make any entry therein forthwith as aforesaid he is liable to a fine not exceeding five pounds.
- (e.) If any licensee wilfully omits any entry from his Machine Register-book, or knowingly makes any false entry therein, he is liable to a fine not exceeding two hundred pounds, and on a second conviction his license may also be cancelled.
- (f.) Every person who delivers any ore or metal to a licensee for treatment by his machine shall at the same time furnish to such licensee a true account of the respective names and addresses of himself and of the owner of such ore or metal, and also of the mine or locality from which the same was obtained.
- (g.) Every person who sells to any bank or other buyer the gold extracted or treated by any machine shall at the same time furnish to such buyer a true account of his own name and address as seller, and of such machine.
- (h.) If any such person refuses to or neglects to furnish any such account, or furnishes any account which is wilfully false in any particular, he is liable to a fine not exceeding one hundred pounds.
- (i.) In any case where any ore or metal is delivered as aforesaid without such account, or with an account which the licensee or buyer believes to be false, he shall impound and detain such ore or metal until a true account is furnished, and forthwith inform the police of such impounding and detention.
- (j.) If any licensee or buyer fails or neglects to faithfully perform any of the provisions of the last preceding paragraph he is liable to a fine not exceeding fifty pounds.

- (k.) Every licensee shall, before the expiration of the fifth day of each month, furnish to the Inspector a true and correct return in the prescribed form, made up to the end of the then last preceding month, and showing particulars of all ore or metal received and treated during such month, the result of such treatment, and the quantity remaining untreated at the end of the month.
- (l.) If any licensee fails or neglects to duly furnish such return he is liable to a fine not exceeding five pounds for every day during which such failure or neglect continues.
- (m.) If to the knowledge of the licensee such return is untrue or incomplete in any particular he is liable to a fine not exceeding one hundred pounds, and on a second conviction his license may also be cancelled.
- (n.) The Inspector may, in his discretion, require any such return to be verified by the statutory declaration of the person by whom the return was made; and if such person fails or neglects to duly make such declaration when requested so to do he is liable to a fine not exceeding five pounds.
- (o.) The Inspector shall at all times have full and free access to every machine premises, and every machine thereon, and also to every license and Machine Register-book, for the purpose of inspecting the same.
- (p.) He may also make extracts from such Register-book, and with the Warden's authority in writing may seize and remove such Register-book.
- (q.) Every person who delays or refuses to produce any such license or Register-book to the Inspector when requested so to do is liable to a fine not exceeding twenty pounds for the first offence, and not exceeding fifty pounds for every subsequent offence.

282. (1.) The provisions of the last preceding section shall not apply in the case of any machine which is to be used only for analytical or other scientific purposes; but in such case the Registrar, when registering such machine and issuing the license, shall note in the register and on the face of the license a memorandum that the machine is to be used only for analytical or other scientific purposes, and such memorandum shall be conclusive evidence of the matters stated therein.

Machines for analytical and other scientific purposes excepted.

1905, No. 39, sec. 280

(2.) If any such machine is used for other than analytical or scientific purposes the licensee is liable to a fine not exceeding one hundred pounds, and the license may also be cancelled.

283. All proceedings for any fine under this Part of this Act shall be instituted by an Inspector.

Inspector to institute proceedings.
Ibid, sec. 281

PART VII.

COMPENSATION BY THE CROWN.

284. (1.) Subject to the provisions hereinbefore contained, all claims against His Majesty for compensation in respect of any matter for which such compensation is expressly provided by this Act, whether

Mode of determining claims for compensation against the Crown.
Ibid, sec. 282

for the value of improvements, the taking of land, the injury to land, or to riparian rights or otherwise, shall be made in the manner provided in Part III or IV of "The Public Works Act, 1908," and the Third and Fourth Schedules thereto, as modified by this Act; which said Parts and Schedules shall be deemed to be incorporated with this Act, but for the purposes of such incorporation shall be read and construed subject to the provisions of this Act.

(2.) The word "Minister" in the said Parts III and IV shall, for the purposes of this Act, mean the Minister of Mines, and not the Minister of Public Works.

Court before which
claims to be heard.
1905, No. 39, sec. 283

285. (1.) If any such claim for compensation is not settled by agreement between the claimant and the Minister, the same shall be heard and determined by a Judge of the Supreme Court if it exceeds two hundred and fifty pounds, and by the Magistrate exercising jurisdiction in the locality where the claim arose if it does not exceed two hundred and fifty pounds:

Delegation of
Judge's powers.

Provided that, on application in this behalf by either of the parties, the functions by this subsection conferred upon the Judge of the Supreme Court may by him be delegated to a Judge of the District Court.

(2.) Subject to the provisions of the said Part III relating to Assessors, the Judge or Magistrate, as the case may be, shall be deemed to be a Compensation Court thereunder.

(3.) In every such claim the Minister shall be the respondent.

Form of claims, and
time within which
same to be served.
Ibid, sec. 284

286. Every claim for compensation shall be made in writing, addressed to the Minister, and, except where by this Act otherwise provided, shall be served on him within the period of twelve months from the date when the same arose, or within such extended period as a Judge of the Supreme Court by order may allow.

Judge may by order
allow extended
period.
Ibid, sec. 285

287. For the purposes of such order the following provisions shall apply:—

(a.) The application for such order shall be made by motion on behalf of the claimant, and such motion shall be served on the respondent before the expiration of the said period of twelve months.

(b.) The order shall not be made unless the Judge is satisfied that in consequence of the death of the claimant, or his absence from New Zealand, or other sufficient cause not imputable to his negligence, reasonable opportunity of making or serving the claim within the said period has not been afforded.

(c.) If satisfied as aforesaid, the Judge may by order extend the said period for such further time, not exceeding six months, and upon such terms and conditions as he deems just.

Claims not so served
to be disallowed.
Ibid, sec. 286

288. No claim for compensation shall be allowed unless it is made and served in the manner and within the period or extended period prescribed by this Act.

Settlement of claim
where Public
Trustee is owner.
Ibid, sec. 287

289. In any case where the Public Trustee is the owner or has the administration and control of any land in respect of which any claim for compensation arises under this Act, he may make any such agreement with the Minister as to compensation, or the value of any land affected, taken, or injured, as the Public Trustee thinks reasonable, and every such agreement shall be binding on every person or interest represented by him.

290. The compensation payable by His Majesty in respect of any claim for compensation under this Act shall be paid by the Minister of Finance out of moneys to be appropriated by Parliament for that purpose, and shall be charged upon and deducted from the goldfields revenue derived from the mining district wherein the claim arose, until out of such revenue all moneys paid in respect of such compensation and costs have been fully recouped to the Treasury :

How compensation to be paid.
1905, No. 39, sec. 288

Provided that if such mining district embraces the districts of two or more local authorities entitled to such revenue, then such charge and deduction shall be apportioned between them as the Minister thinks just :

Provided also that in special cases, and on the recommendation of the Minister, one moiety only, or no portion whatsoever, of the moneys paid in respect of such compensation shall be so charged and deducted as aforesaid.

291. Subject to the provisions of the next succeeding section, compensation shall in no case be payable in respect of the auriferous or argentiferous value of any land to which the claim for compensation relates ; and no person shall have any right or claim to compensation against His Majesty in respect of any matter arising under this Act except in cases for which compensation is expressly provided by this Act.

Compensation only payable in cases provided for.
Ibid, sec. 289

292. Whereas it has been suggested that in some cases the owner or occupier of land may, as against His Majesty, be entitled in law to the deposits of gold and silver on or in such land, and it is just that in any such case his claim to compensation in respect thereof should not be prejudicially affected by any of the provisions of this Act : Be it therefore enacted as follows :—

Compensation for auriferous or argentiferous value of land if title to deposits established.
Ibid, sec. 290

(a.) If any such person establishes his title as aforesaid to such deposits by judgment of the Supreme Court or on appeal, then, in the event of such land being resumed for mining purposes, the compensation payable to him in respect thereof shall include the auriferous and argentiferous value of the land, anything in this Act to the contrary notwithstanding :

Provided the proceedings to establish such title as aforesaid are commenced either before the gazetting of the Proclamation declaring the lands to be taken on behalf of His Majesty or not later than six months thereafter.

(b.) Nothing hereinbefore contained shall be construed to in any way create or recognise the existence of any right or title of any nature or kind whatsoever to such deposits as aforesaid in any person as against His Majesty.

293. A notice signed by the Minister and published in the *Gazette*, that any claim for compensation under this Act has been settled, and that all further claims and remedies in respect of the land or matter specified in such notice are barred, shall be conclusive evidence of all matters mentioned therein.

Notice that claims settled or barred.
Ibid, sec. 291

294. The Governor may from time to time make regulations—

(a.) For the production of all instruments of title to any land to which any claim for compensation under this Act relates :

(b.) For recording thereon the fact of any such claim having been duly settled under this Act :

Regulations as to claims for compensation.
Ibid, sec. 292

- (c.) For the registration of such record under any Act providing for the registration of deeds or instruments affecting title to land :
- (d.) For any other purposes he deems necessary in order to give full effect to the provisions of this Act relating to claims for compensation and the disposal thereof.

PART VIII.

MINING PARTNERSHIPS.

This Part of Act not to apply to mining companies.
1905, No. 39, sec. 293

295. This Part of this Act shall not apply to any company or association incorporated or registered under any charter granted by the Crown, or under any Act of the Imperial Parliament or of the General Assembly, nor to any business carried on by virtue of a business-site license under this Act or a business license under any former Mining Act.

What constitutes a mining partnership.
Ibid, sec. 294

296. (1.) Whenever two or more persons acquire any mining privilege, or engage in lawfully working or using it, or jointly employ others to do so for them, a mining partnership shall be deemed to exist between such persons in respect of such mining privilege, whether there is or is not any express agreement to become partners.

Partnership property.
Ibid, sec. 295

(2.) A mortgagee in possession shall be deemed to be a partner.
297. Every mining privilege owned by partners in mining, or worked or used by or for them, whether purchased with partnership funds or not, shall be deemed to be partnership property.

Proportionate shares of profits and losses.
Ibid, sec. 296

298. A member of a mining partnership shall share in the profits and losses thereof in the proportion which his share or interest in the partnership mining privilege bears to the whole of the shares or interests therein.

Lien of member or partnership debts paid by him.
Ibid, sec. 297

299. Each member of a mining partnership shall be deemed to have, as against every other member, a lien on the partnership property for all partnership debts paid by him, and for money advanced by him for its use ; and such lien may, in the prescribed manner, be registered, enforced, and discharged :

Provided that such registered lien shall be subject to review by the Warden on the application of any person aggrieved, and for that purpose the Warden may by order confirm or cancel the registration, or amend the lien in such respect as he deems equitable.

Purchaser becomes partner from date of purchase.
Ibid, sec. 298

300. A partner's interest in the mining partnership may be sold or assigned without dissolving the partnership, and without the consent of the other members, and from the date of such sale or assignment the purchaser or assignee shall be deemed to be a member of the partnership :

Provided that he shall be deemed to take such interest subject to all such liens existing in favour of the partners as are registered, but not further.

Decision of majority binding as to business.
Ibid, sec. 299

301. The decision of the members owning a majority of the shares or interests in a mining partnership shall bind it in the conduct of its business.

Grounds for dissolution.
Ibid, sec. 300

302. It shall be a ground for dissolution of a mining partnership if any member,—

- (a.) Where it is his duty to pay or satisfy any assessment of the partnership liabilities, neglects or refuses so to do for thirty days after being personally served with notice so to do from any other member ; or
- (b.) Neglects, when notified in writing by any other partner so to do, to perform any labour or discharge any liability which it is his duty to perform or discharge, or to represent his share or interest in any partnership mining privilege.

303. In any case where any member of a mining partnership whose duty it is to occupy or represent his interest or share in any partnership mining privilege fails or neglects so to do for thirty days at any one time, the other members may institute proceedings in the Court to be put in possession of such share or interest as though such member had never been a partner, and the Court may decree accordingly, or make such other order as it deems equitable.

Partners may sue to be put in possession of unrepresented share.

1905, No. 39, sec. 301

304. If at any time any interest or share in any partnership mining privilege is unrepresented for forty-eight hours, and such non-representation prevents the proper and profitable working or use thereof, the following provisions shall apply :—

Wages-man may be put on for unrepresented share.
Ibid, sec. 302

- (a.) Any member of such partnership, or any person in charge of such mining privilege, may employ any person or persons at current rate of wages to represent and work such share or interest.
- (b.) Every person so employed shall have a lien for his wages upon such share or interest.
- (c.) Any such member or person in charge as aforesaid may, out of any profits accruing to such share or interest, pay such wages.
- (d.) In case there are no such profits, or the profits are insufficient to pay such wages, such member or person in charge may himself pay the same, and, to the extent of the moneys so paid, shall have a lien on such share or interest.
- (e.) Where practicable, the member or person in charge who employs any person as aforesaid shall, within seven days thereafter, give notice in writing thereof to the absent member or his agent.
- (f.) Any such lien for wages may be registered, enforced, and discharged under and subject to the provisions hereinbefore provided in the case of members of a mining partnership.

305. Whenever in any suit for the dissolution of a mining partnership the Court might order a sale of the partnership property but does not deem it expedient so to do, the following provisions shall apply, with the view of avoiding the necessity of such sale :—

Partnership suits.
Ibid, sec. 303

- (a.) The Court may cause the accounts of the partnership to be taken, and the share and interest of each partner to be valued ; and may authorise any one partner to buy out any other at the price ascertained by such valuation.
- (b.) If the buying and selling partners cannot be determined by agreement between themselves, the Court may, as between such of the partners as are willing to buy, determine by lot who shall buy, and from whom.

- (c.) The Court may direct all proper persons to execute such instruments and do such things as it deems necessary for the purpose of fully effectuating every such sale and purchase.

PART IX.

ADMINISTRATION OF JUSTICE.

As to the Warden's Court.

Sittings of Court,
and seal.

1905, No. 39, sec. 304

306. With respect to the Warden's Court the following provisions shall apply :—

- (a.) The Court may be held at such times and in such convenient places, whether within or outside its district, as the Warden thereof from time to time appoints.
- (b.) The Court may be held before a single Warden, although more Wardens than one are appointed for the district.
- (c.) In the absence for any reason of the Warden usually presiding in a Court, any other Warden may preside in his place and otherwise act in his stead. and the fact of any Warden so presiding or acting shall be conclusive evidence of his authority so to do.
- (d.) Every power, authority, function, or discretion by the Act vested in a Warden's Court may be exercised by the Warden.
- (e.) For every Court there shall be a seal, a fac-simile whereof shall be kept by the Clerk at every place where the Court is held.
- (f.) All summonses, warrants, orders, and other process issued out of the Court shall be signed by the Warden or the Clerk, and be sealed with the seal of the Court. If the seal cannot conveniently be affixed before such issue it may be affixed afterwards.

Jurisdiction of the Court.

Matters in respect
of which Warden's
Court to have
jurisdiction.

Ibid, sec. 305

1905, No. 55, sec. 27

307. The Warden's Court shall have jurisdiction to hear and determine all such actions, suits, and other proceedings cognisable by Courts of civil or criminal jurisdiction as arise (either wholly or in some material part) within the district concerning the following matters, that is to say :—

- (a.) Area, dimensions, and boundaries of mining privileges :
- (b.) Forfeiture of mining privileges, or of surplus ground :
- (c.) Title to and ownership or possession of mining privileges or the products of mining operations :
- (d.) Questions or disputes relating to water or water-rights :
- (e.) Encroachment upon, infringement of, or injuries to mining privileges :
- (f.) Specific performance of contracts relating to mining privileges or operations :
- (g.) Transfers and other dispositions of mining privileges :
- (h.) Trusts relating to mining privileges or operations :
- (i.) Mining partnerships, the formation and dissolution thereof, the taking of accounts connected therewith, and the determination of all questions arising between the partners :

- (j.) Encroachment upon or injury to land by reason of mining operations, whether held under the provisions of this Act or otherwise howsoever :
- (k.) Breaches of this Act or of the regulations thereunder punishable by summary conviction :
- (l.) Encroachments upon, injuries to, and the determination of all questions concerning roads, tramways, railroads, or fences constructed, held, or occupied under this Act or any former Mining Act :
- (m.) And generally concerning all contracts, torts, questions, or disputes of any kind relating to mining privileges or operations, or to any matter in respect whereof jurisdiction is elsewhere by this Act conferred upon the Court or the Warden, whether the parties thereto are or are not engaged in mining operations :
- (n.) All such matters as aforesaid, or matters corresponding thereto, arising in respect of leases, licenses, and coal-mining operations under "The Coal-mines Act, 1908," within a mining district.

308. Where an action which should have been commenced in the Warden's Court is commenced in another Court other than the Warden's Court, or an action which should have been commenced in the Warden's Court in one district is commenced in the Warden's Court in another district, the following provisions shall apply :—

Procedure when action not commenced in appropriate Warden's Court.

1905. No. 39, sec. 396

- (a.) At any stage of the proceedings, of its own motion or on the application of any of the parties, and on such terms as to costs and otherwise as it thinks fit, the Court in which the action is commenced may by order remove it into the appropriate Warden's Court.
- (b.) The Registrar or Clerk of the Court by which the order is made shall transmit the papers filed in that Court to the Clerk of the appropriate Warden's Court, who shall file the same, whereupon the action shall be heard and disposed of in that Court in like manner as if it had been duly commenced therein on the day on which the papers are filed by the Clerk as aforesaid :

Provided that the day of trial, unless fixed in the aforesaid order, shall be fixed by the Warden, or, with the consent of all the parties, by the Clerk of the appropriate Warden's Court.

- (c.) The Governor may from time to time make such regulations as he thinks fit in order to give effect to this section, and prescribe the practice as to the removal of actions.

309. Where the Warden gives or heretofore has given a decision outside a district, such decision shall for all the purposes of this Act be deemed to be given in the district in which he usually exercises jurisdiction.

Decisions outside district.

Ibid. sec. 307

310. Wherever by this Act or the regulations thereunder a fine is imposed for any breach thereof (not being a fine in lieu of the forfeiture of a mining privilege), the proceedings for the recovery of such fine shall be taken in a summary way in the Warden's Court before the Warden alone, and according to the provisions of "The Justices of the Peace Act, 1908," relating to summary proceedings, which provisions

Recovery of fines.

Ibid. sec. 308

(other than those relating to appeals) shall, *mutatis mutandis*, apply in like manner as if the Warden were sitting as a Justice under that Act.

As to Assessors.

List of resident miners to be compiled.
1905, No. 39, sec. 309

311. During the first fourteen days of the months of January and July in each year the Clerk of the Warden's Court at each place where such Court is usually held, whether within or beyond the mining district, shall make a list of the names, occupations, and addresses of fifty reputable persons, or as near fifty as may be, each of whom is or has been engaged in gold-mining operations and resides within twenty miles of such place.

To be Assessors roll.
Ibid, sec. 310

312. Each such list shall be the Assessors roll for such district, and shall continue in force until the next roll is duly made.

Assessors to be taken from roll.
Ibid, sec. 311

313. From the Assessors roll for the time being in force nearest to each place where the Court is usually held shall be taken the names of the Assessors before whom any civil trial in that Court is to be had, as hereinafter provided.

As to Parties, Proceedings, and Mode of Trial.

Persons not under fourteen may sue and be sued.
Ibid, sec. 312

314. Any person not under the age of fourteen years may sue and be sued in the Warden's Court in its civil jurisdiction in the same manner in all respects as if he were of the full age of twenty-one years :

Provided that, except where otherwise provided by this Act, no person shall be entitled to commence a suit unless he is the holder of a miner's right or of a license for any mining privilege.

Mode of commencing action.
Ibid, sec. 313

315. Except where otherwise prescribed, every action, suit, or other proceeding in the Warden's Court in its civil jurisdiction shall be commenced by statement of claim in the prescribed form, and such claim shall be tried either before the Warden alone or before the Warden and a jury of five Assessors.

When complaint to be tried by Warden and Assessors.
Ibid, sec. 314

316. A statement of claim may be tried by the Warden and Assessors—

(a.) If the relief claimed or the value of the property involved in the claim exceeds fifty pounds, and any of the parties thereto, by memorandum in the prescribed form filed in the Court not later than seventy-two hours before the time appointed for the trial, demands that it be so tried ; or

(b.) If on the application of any of the parties to the claim the Warden orders that it be so tried ; or

(c.) If in the absence of any such application the Warden is of opinion that the claim can be more conveniently so tried, and makes order accordingly.

Otherwise before Warden alone.
Ibid, sec. 315

317. Except as aforesaid, every statement of claim in the Warden's Court shall be heard and tried before the Warden alone.

Provisions as to ballot for Assessors, their fees and expenses, challenges to, and their powers in Court.
Ibid, sec. 316

318. With respect to statements of claim to be tried before the Warden and five Assessors the following provisions shall apply :—

(a.) As soon as conveniently may be after the Assessors are duly demanded by any party or ordered by the Warden, the Clerk shall place in a ballot-box as many equally sized and shaped pieces of paper as there are Assessors on the roll, each paper bearing the name, occupation, and address of

an Assessor, and no two papers bearing the name of the same Assessor, and shall then and there, in the presence of any of the parties or of any Justice, draw out of the ballot-box ten of the papers, one after the other.

- (b.) The Clerk shall then summon the Assessors whose names appear on the said ten papers to attend at the time and place appointed for the trial :

Provided that before summoning them the sum of eight pounds in respect of Assessors' fees and expenses shall be paid to him by the party who in the first instance is liable therefor, being the party demanding the Assessors, or, if they are ordered by the Warden, then the party named in such order.

- (c.) Each Assessor who attends on his summons but does not sit on the trial shall, in respect of such attendance, be entitled to a fee of eight shillings, and also to his reasonable travelling-expenses, to be fixed by the Warden, not exceeding one shilling for every mile beyond two miles of distance (counted one way) between his place of residence and the place of trial.
- (d.) Each Assessor who sits on the trial shall for the first day be entitled to a fee of ten shillings in respect of such day's sitting, and also to his reasonable travelling-expenses, ascertained as aforesaid.
- (e.) As often as the trial is adjourned to a future day the party liable as aforesaid shall, before the commencement of each such day's proceedings, pay to the Clerk such further sum as is required in order to provide a fee of ten shillings for each Assessor, and each Assessor shall be entitled to such fee accordingly.
- (f.) The Assessors' fees and expenses shall be costs in the cause, and shall be ultimately payable by such party as the Warden on the conclusion of the trial directs.
- (g.) Before the Assessors are sworn, either party may challenge any number not exceeding two without assigning cause, and any additional number on assigning cause. The truth of any cause so assigned shall be forthwith inquired into and determined by the Warden, whose decision shall be final.
- (h.) If by reason of non-attendance, challenge, or otherwise the number of Assessors is reduced to less than five, the Clerk shall make up the required number by orally summoning a sufficient number of indifferent persons then present in the Court or its vicinity to sit and act as Assessors on the trial.
- (i.) Before taking his seat on the trial each Assessor shall make oath before the Warden to give a true verdict according to the evidence.
- (j.) All questions of law arising on the trial shall be determined by the Warden, and all questions of fact by the Assessors.
- (k.) The decision of the Assessors, or of a majority of them, shall be the decision of the Court, and the Court shall give judgment accordingly :

Provided that if, after consulting for two hours, the Assessors intimate that a majority of them cannot agree upon a verdict, the Warden shall discharge the Assessors and himself decide the claim in the like manner as if the trial were before himself alone.

Procedure, mode of
trial, and costs.
1905, No. 39, sec. 317

319. With respect to all suits in the Warden's Court in its civil jurisdiction the following provisions shall apply :—

- (a.) The Warden may administer an oath.
- (b.) Every witness shall be examined on oath.
- (c.) If any person, being duly summoned to attend, whether as Assessor or witness, fails to duly attend at the time and place named in the summons, or, attending, refuses to be sworn as Assessor or witness, or to serve as Assessor, or to answer any lawful question put to him as a witness, the Court may forthwith inflict on him any fine not exceeding five pounds, unless reasonable cause for such failure or refusal is made to appear to the Court.
- (d.) Every suit shall be heard in open Court at the time and place appointed in that behalf :

Provided that if for any reason the Court cannot be held at the time or place appointed, the Clerk may adjourn it to such other time or place as the Warden, or, in the absence of the Warden, as the Clerk appoints in that behalf.

- (e.) The trial may be adjourned by the Court from time to time or from place to place, in such manner and on such terms as to costs or otherwise as the Court thinks fit.
- (f.) The Court, upon such terms as to costs or otherwise as it thinks fit, may by order grant time to any party for any purpose, add or strike out parties, and generally do whatever it deems expedient for the purpose of effectively disposing of the matter before it according to the substantial merits of the case.
- (g.) The costs shall be in the discretion of the Warden, and he shall fix them.

As to Powers of the Court.

Powers of Court.
Ibid. sec. 318

320. In any matter within its jurisdiction, and at any stage of the proceedings, the Court, of its own motion, or on the application of any of the parties, and upon such terms as to costs and otherwise as it thinks fit, may exercise any of the following powers, that is to say :—

Order for deposit of
gold, &c.

- (a.) It may order any person having the possession, custody, or control of any gold, metal, mineral, or other chattels to deposit the same with such person, within such time, and in such place as are named in the order, there to abide the further order of the Court.

Delivery to person
entitled.

- (b.) It may cause all or any such chattels to be valued.
- (c.) It may order all or any such chattels to be delivered up to or to be rateably apportioned amongst the persons found by the Court to be entitled thereto.
- (d.) It may order such chattels, or a sufficient part thereof, according to their value ascertained as aforesaid, belonging to any party

against whom an order has been made by the Court for the payment of money to any other party, to be delivered to such other party in or towards satisfaction of such order.

- (e.) It may order money deposited with the Receiver or Clerk to be held to abide the further order of the Court or the Warden.
- (f.) If default is made in duly complying with any such order for the deposit, valuation, or delivery of chattels the Court may cause them to be seized and held by the bailiff or any constable until the further order of the Court.
- (g.) It may order operations on any mining privilege to be suspended until the further order of the Court, or to be carried on by or under the direction and control of a person appointed by the Court. Suspension of operations.
- (h.) If any order under paragraph (f) hereof is made on the application of any party to the proceedings, such party may be subsequently ordered to pay such reasonable compensation (if any) as the Court directs to any other party who suffers damage by the operation of such order.
- (i.) It may order a survey, plan, or measurement of any land, mine, or mining privilege, or any part thereof, to be made by any party or other person. Order for survey.
- (j.) It may inspect any land, mine, or mining privilege, or order the same to be inspected by the Assessors (if any) before whom the proceedings are being heard. Inspection by Assessors.
- (k.) It shall make such order for inspection by the Assessors whenever requested so to do by a majority of them.
- (l.) The Court or the Assessors making any such inspection may take judicial notice of anything observed in the course of such inspection.
- (m.) When making any order under this section the Court may require such one or more of the parties as it names in that behalf to deposit with the Clerk such sum as the Court thinks reasonable in respect of the expenses of and incident to the carrying-out of such order. Expenses of orders.
- (n.) Such expenses shall be fixed by the Court, and shall ultimately be payable by such parties and in such manner as the Court directs.

321. With respect to encroachment suits the following provisions shall apply :—

- (a.) At any stage of the proceedings the Court, of its own motion or on the application of any of the parties, and upon such terms as to costs and otherwise as it thinks fit, may by order authorise any person to enter on any land, mine, or mining privilege for the purpose of ascertaining whether any encroachment exists.
- (b.) For such purpose every person named in such order shall be entitled to enter on any land, descend any mine, and examine and make such surveys, sections, plans, and measurements thereof, and of any workings therein, as he deems necessary.

Powers in respect to encroachment suits.
1905, No. 39, sec. 319

- (c.) In the exercise of the powers conferred upon him by this section every such person may avail himself of the machinery and appliances in use in the ordinary operations of the mine.
- (d.) Before exercising any such powers every such person shall make a declaration before the Warden that, except as a witness in a Court of justice, he will not, without the consent of the owner of such mine, divulge to any person whomsoever any information obtained in the exercise of any such powers, save only as to whether any encroachment exists, and, if so, to what extent.
- (e.) If any such person divulges any information in breach of such declaration as aforesaid he is liable to a fine not exceeding fifty pounds.

When such powers
may be exercised.
1905, No. 39, sec. 320

322. The powers conferred by the last preceding section upon the Court may be exercised on the application of any person prior to the actual commencement of an encroachment suit, if the Court is satisfied that the applicant *bona fide* claims to be entitled to any land, mine, or mining privilege, and *bona fide* believes that the same is or may be encroached upon.

General powers of
Court.
Ibid, sec. 321

323. In all matters within its jurisdiction the Court shall have power to enforce contracts; award damages; appoint receivers; grant prohibitions, injunctions, attachment orders, charging orders; add, join, substitute, or strike out parties; impose fines and penalties; cause gold, metals, minerals, and other chattels to be restored to any person or place whence they have been improperly or unlawfully taken or removed, or to be deposited for safe custody with any person or in any place, or to be summarily seized; summon witnesses; award costs; and generally make such orders and give such judgments as it deems proper.

How judgments and
convictions to be
enforced.
Ibid, sec. 322

324. Subject to the express provisions of this Act in that behalf, every judgment, decision, or order of the Court in civil proceedings shall be carried out and enforced in like manner in all respects as if it had been given or made in civil proceedings in the Magistrate's Court; and every conviction or order of the Court in criminal proceedings, or proceedings imposing a fine or penalty, shall be carried out and enforced in like manner in all respects as if it had been obtained or made in summary proceedings before Justices.

By whom warrants
may be served.
Ibid, sec. 323

325. Every warrant, order, or other process of the Court may be served or executed and put in force by any bailiff of any Warden's or Magistrate's Court without it being necessary for him to be specifically named therein, or by any other person to whom it is, whether before or after issue, specially directed by any Warden, Magistrate, or Clerk of any such Court.

No proceedings to
be dismissed for
informality.
Ibid, sec. 324

326. No proceedings shall be dismissed or vitiated because of any informality; nor shall any objection be taken or allowed on the mere ground of any alleged defect or misnomer or inaccurate description, or of any variance between the relief claimed and the relief which the claimant appears to be entitled to, or between the complaint and the evidence adduced in support thereof; but in every instance the proceedings shall be amended by the Court so that the actual subject-matter in dispute may plainly appear and be adjudicated upon according to the substantial rights of the parties:

Provided that whenever it appears that any of the parties is deceived or misled, or that any injustice would be done by proceeding at once with the hearing, the Court may adjourn the proceedings upon such terms as to costs and otherwise as it thinks fit.

327. With respect to every judgment, conviction, or order of the Court the following provisions shall apply :—

Record and formal drawing-up of judgments.
1905, No. 39, sec. 325

(a.) A minute thereof shall be entered in a register kept for the purpose, and no other record thereof shall be necessary.

(b.) If any of the parties so requests, or if the Warden thinks fit, it may at any time thereafter be formally drawn up under the hand of the Warden or Clerk and the seal of the Court.

(c.) It shall not be void, quashed, or vacated for want of form.

328. Service of any injunction, prohibition, or other order shall be effected on the person to be bound thereby—

Mode of service of injunctions or other orders.
Ibid, sec. 326

(a.) By delivering to him a duplicate thereof under the hand of the Warden or Clerk and the seal of the Court ; or

(b.) If the Court so directs, by posting such duplicate to such person at his last known place of business or abode, or by publishing the same in such newspaper or by affixing the same in such conspicuous place as is named by the Court, being in every instance the land (if any) to which the order relates.

329. For the purpose of enabling the Court the more effectually to exercise the jurisdiction and powers conferred upon it by this Act, and to enforce obedience to its orders and to punish disobedience thereof, it is hereby declared that, in so far as no sufficient provision in that behalf is elsewhere contained in this Act, the Court and the Warden thereof shall be deemed to have and may exercise all the powers of the Supreme Court or a Judge thereof.

Additional powers of Court.
Ibid, sec. 327

330. For the purpose of enforcing compliance with any order made by the Court directing not the payment of money but the doing or refraining from the doing of any act, the following provisions shall apply :—

Orders may be enforced by commitment.
Ibid, sec. 328

(a.) If any person makes any default in duly complying with any such order, or in any way impedes or prevents the due compliance therewith, he commits an offence, and is liable to a fine not exceeding ten pounds and to be imprisoned in default of payment, or to be imprisoned without the infliction of any such fine, and the Court may issue a warrant of commitment accordingly.

(b.) The person named in such warrant shall be taken to some convenient prison named therein, and delivered to the keeper of such prison, who shall there detain him until he pays such fine (if any) and gives security to the satisfaction of the Court that he will refrain from repeating such offence, or until he is released by order of the Court :

Provided that no person shall be imprisoned under this section for any term exceeding three months.

331. Whenever in the course of any proceedings before the Court any person wilfully insults the Warden or Assessors, or any officer of the Court, or wilfully interrupts the proceedings, or in any other manner is guilty of contempt in the face of the Court, the following provisions shall apply :—

Punishment of persons guilty of contempt.
Ibid, sec. 329

- (a.) Such person may, by written or verbal direction of the Court, be taken into custody by the bailiff or any constable, with the assistance if necessary of other persons, and be detained until the rising of the Court.
- (b.) Instead of discharging such person at the rising of the Court, the Warden may inflict any fine not exceeding five pounds, and in default of payment commit him to prison for any term not exceeding five days, or may commit him to prison for any such term without inflicting any such fine.

Rules for conduct of
business.
1905, No. 39, sec. 330

332. The Warden may from time to time make such rules, not inconsistent with this Act, as he thinks fit in order to regulate the orderly conduct of the business of his Court.

As to Practice and Procedure in the Warden's Court.

Rules of practice
and procedure.
Ibid, sec. 331

333. The rules set forth in this section shall regulate the practice and procedure in the Warden's Court.

Office and Officers.

- (1.) The office of the Court shall be open to the public on such days and during such hours as are prescribed, and the Clerk shall attend there during office hours. He shall issue all summonses, warrants, and writs of execution; keep an account of all proceedings; take charge of and keep an account, in a book to belong to the Court, of all fees, penalties, and fines payable or paid into Court, and of all moneys paid into and out of Court; attend the sittings of the Court; and do and perform all other acts and duties properly incident to the office of Clerk. If there is no Clerk or Deputy Clerk the Warden shall act.
- (2.) The bailiff of the Court shall attend the sittings of the Court, unless when his absence is allowed by the Warden, and shall, when required, serve all summonses and orders and execute all warrants issued out of the Court, and in other respects shall be subject to the directions of the Warden.

Agents.

- (3.) Subject to prescribed regulations, the Warden, on being satisfied that any person is a fit and proper person to act on behalf of parties, may, in his discretion, register such person as a mining agent; and any such person whilst so registered shall have the right to appear and act for parties in all proceedings in any Warden's Court held within the district specified in that behalf in the register:

But such registration may be cancelled at any time by the Warden on it being made to appear to him that such person has been guilty of misconduct, or is otherwise unfit to act for parties in such Court.

- (4.) Subject to regulations under this Act, a registered mining agent lawfully appearing and acting for any person in proceedings before the Warden or in the Warden's Court may charge, receive, and be allowed reasonable costs and charges for his services.

- (5.) Every party to proceedings may appear and act in person, or by solicitor or registered mining agent :

Provided that no officer of the Court shall, either by himself or by any partner, or person in his employment, be directly or indirectly engaged as counsel, solicitor, registered mining agent, or agent for any party in any proceeding.

Claim.

- (6.) Any person desirous of prosecuting a suit shall prepare and deliver to the Clerk a statement of claim, in the prescribed form, containing a full and explicit statement of the ground or cause of action and of the relief claimed ; if there be more than one ground of action, each shall be stated in a separate paragraph, and all such paragraphs shall be numbered consecutively.
- (7.) The statement of claim shall be signed by or on behalf of the plaintiff, and shall specify his address for service in the district in which the proceedings are instituted, or within one mile of the office of the Court hearing such proceedings, and all notices to be served on the plaintiff may be served at such address.
- (8.) In any case where the Christian name or surname of any party to a suit is not known he may be designated by any name which he may have acquired by usage or reputation.
- (9.) Upon receipt of the statement of claim, accompanied by the prescribed fees, the Clerk shall file such statement for the use of the Court, and shall enter in a plaint-book to be kept for the purpose a minute specifying according to the statement of claim the names, occupations, and the last known places of abode of the parties, and the substance of the suit intended to be brought, or the relief intended to be sought, and, where the claim is a money demand, the amount sought to be recovered.
- (10.) Every statement of claim shall be numbered in every year according to the order in which it is entered in the plaint-book, and, where the party does not sue in his own right, there shall be stated the character in which he sues.
- (11.) The plaintiff shall, together with the aforesaid statement of claim, prepare and deliver to the Clerk so many copies thereof as there are defendants to the suit, and one of such copies shall be annexed to and served with each summons, and be deemed a part thereof.
- (12.) The summons shall be in the prescribed form, and shall be prepared and issued by the Clerk.

Witnesses.

- (13.) On application in that behalf, and on payment of the prescribed fees, any party may obtain from the Clerk summonses to witnesses in the prescribed form, with or without a clause requiring the production of books and writings in their possession or under their control.

Service

- (14.) The service of any summons shall be effected by delivering a duplicate of the same to each defendant personally, or, if he cannot conveniently be found, by leaving such duplicate at his usual place of business or abode in New Zealand, with some inmate thereof appearing to be at least fourteen years of age, or, in the case of any incorporated company, in the manner prescribed by law for the service of process on such company.
- (15.) If service cannot be effected in any of the ways hereinbefore provided, the summons may, if the Warden or Clerk so directs, be affixed in some conspicuous place upon the site of the defendant's last known place of business or abode, or upon the mining privilege last known to have been held by him, or otherwise as the Warden or Clerk directs.
- (16.) In cases under the last preceding rule, a notice of the affixing of such summons, with a statement of the manner in which it has been affixed, shall be advertised in a newspaper published or circulating in or near to the locality where the suit is to be heard, and such affixing and publication shall be deemed to be a good service of such summons.
- (17.) The summons shall be served at least seven days before the time appointed for the hearing in the case of personal service, or fourteen days in the case of other than personal service :
- Provided that any summons may issue and be served at any time before the hearing if the Warden so directs or the defendant consents.
- (18.) Any summons may be served by the bailiff, or by any other person whom the Warden or Clerk directs, or, at the option of the plaintiff, by himself or his agent.
- (19.) The person serving any summons shall, by affidavit in the prescribed form, certify the time and mode of such service :
- Provided that the Warden may require further proof thereof if he thinks fit.

Defence and Counterclaim.

- (20.) Every defendant may set off by way of counterclaim any claim or demand whatsoever that he may have, in the capacity in which he is sued, against the plaintiff in the capacity in which he sues, and which the Court would have jurisdiction to hear and determine if the same were a claim or demand in such Court :
- Provided that no counterclaim shall be set off against any one of two or more joint plaintiffs.
- (21.) The counterclaim shall be in the prescribed form, and shall be filed and served at least twenty-four hours before the time appointed for the hearing of the suit, but shall in all other respects conform and be subject to the provisions of this Act relating to statements of claim.
- (22.) The Court may order the statement of claim and counterclaim to be heard together or separately, as it thinks fit.

Hearing.

- (23.) All Assessors summoned for the trial of any one suit shall be deemed to have been summoned for the trial of all suits to be tried before Assessors at the same sittings of Court.
- (24.) If the plaintiff does not appear at the time appointed, and good cause for his absence is not shown, the Court may dismiss, strike out, or adjourn the suit, with or without costs, as it thinks fit :
- Provided that at any time before the conclusion of the same day's sitting the Court may, upon such terms as it thinks fit, reinstate any suit which has been so dismissed, struck out, or adjourned.
- (25.) If the defendant does not appear, and it is proved that the summons was duly served, the Court may proceed to hear the case *ex parte*, and to adjudicate thereon as fully and effectually as if the defendant had appeared.

Payment into Court.

- (26.) The defendant in any proceeding for or which includes a money demand may, at any time before the summons is heard, pay into Court such sum of money as he thinks a full satisfaction for such demand, together with the costs incurred by the plaintiff up to the time of such payment, and of serving the notice next hereinafter mentioned.
- (27.) The defendant paying into Court as aforesaid shall serve written notice thereof on the plaintiff at his address for service.
- (28.) If the plaintiff, having been served with such notice at least forty-eight hours before the day of hearing, elects to proceed after such service, and recovers no further sum in respect of such money demand than the sum so paid into Court, he shall pay to the defendant the costs incurred by him after such service, unless the Court otherwise directs.

Costs and Fees.

- (29.) All the costs of any proceeding may be fixed by the Court or, under its instructions, by the Clerk, and may be apportioned between the parties or any of them in such manner as the Court thinks fit ; and in default of any special direction such costs shall abide the event of the action
- (30.) The Court may in each case direct what number of witnesses shall be allowed between party and party, and their allowance for attendance shall in no case exceed the allowance prescribed by regulations.
- (31.) No costs of witnesses shall be allowed unless they have been summoned.
- (32.) The Court may make such order as it thinks fit concerning the times and by what instalments any sum of money for which judgment is obtained shall be paid, and all such money shall be paid into Court unless the Court otherwise directs.

- (33.) In any case where the Court reserves its decision, such decision may be given by the Warden at any subsequent sitting of the Court where he is exercising jurisdiction ; or may be drawn up in writing signed by the Warden, and be forwarded by him to the Clerk, who on receipt thereof may read the same either in open Court at its next sitting or at a time and place duly notified in that behalf by him to the parties. Such decision shall have the same force and effect as if given by the Court.
- (34.) There shall be payable in respect of all proceedings such fees as are prescribed by regulations, and a table of all such fees shall be kept affixed in some conspicuous place in the Courthouse and in the Clerk's office at every place where the Court is held.
- (35.) No officer of the Court shall do any act in respect whereof a fee is prescribed unless and until such fee is first paid ; but in the event of any such act being done without payment of the fee, such fee may by order of the Court be recovered from the person who should have paid the same, in like manner as in the case of a judgment of the Court.
- (36.) The Governor may from time to time by regulations make such additional rules under this section as he thinks fit.

As to Rehearings.

Rules in respect to
rehearings.
1905, No. 39, sec. 332

334. The Court, on application in that behalf, may grant a rehearing of any suit decided ; and with respect to every such application and rehearing the following provisions shall apply :—

- (a.) Within ten days after the day on which the Court decided the suit the application for a rehearing shall be filed in the Court and be served on the opposite party.
- (b.) The application shall be in the prescribed form, and shall specify the grounds thereof, and contain a notice that it will be made on the day after the day of service, or as soon thereafter as it can be heard.
- (c.) On proof of the service of the application the Court shall hear the same, and all objections thereto, and in its discretion may grant or refuse it, and in granting it may by order stay all proceedings on the original hearing pending the rehearing.
- (d.) If the application is granted, the Court may grant it on such terms as to costs, notices, security, payment into Court, and otherwise as it thinks fit, and shall fix the time and place of the rehearing.
- (e.) All the provisions of this Act relating to the hearing of suits shall apply to the rehearing.

As to Special Cases reserved.

Special case may be
reserved for Supreme
Court, and interim
injunction granted.
Ibid, sec. 333

335. At any stage of any civil proceedings before it the Court may reserve any question for the opinion of the Supreme Court, and with respect to every question so reserved the following provisions shall apply :—

- (a.) The Warden shall prepare a special case, setting forth the question so reserved, and shall transmit such case to the Registrar of the Supreme Court of the Supreme Court district wherein the proceedings arose.
- (b.) The Registrar shall set the special case down for argument before the Judge of that Court on a day to be appointed by him, and the Judge's opinion on the special case shall, when given, be drawn up and transmitted by the Registrar to the Warden.
- (c.) The costs of the proceedings shall be in the discretion of the Judge, and shall be fixed by him.
- (d.) Upon receipt of such opinion the Warden's Court shall act in accordance therewith, and in the meantime no judgment or order of the Court shall affect the question so reserved.
- (e.) When reserving any such question, or at any time before acting on the Judge's opinion thereon, the Warden's Court, on the application of any party to the proceedings, and on such terms as it thinks fit, may make such order for an injunction or a receiver, or for payment of money into Court, or for giving security for damages and costs, or otherwise, as the Court thinks fit.

As to Appeals.

336. (1.) Except where otherwise expressly provided, it is hereby declared that from any final order, judgment, or other decision of the Warden under sections thirty-three, forty-eight, forty-nine, and fifty-six of Part III, or under Parts IV, V, VI, VII, or VIII of this Act, or of the Court or the Warden under Part IX of this Act, an appeal at the instance of any party aggrieved shall lie to the appellate Court, being the District Court having jurisdiction within the place where the Warden's final order, judgment, or other decision was given; or, if there is no District Court sitting therein, or if by memorandum filed in the Warden's Court both parties to the appeal consent, then the Supreme Court sitting within the Supreme Court district wherein such decision was given:

Appeal to District Court or Supreme Court.
1905, No. 39, sec. 334

Provided that there shall be no appeal in any case where, at or before the hearing, the parties by memorandum in writing lodged in the Court or the Warden's Office agree that the decision of the Court or the Warden shall be final.

(2.) The right of appeal conferred by this section shall not be in any way limited or affected merely by the fact that the decision forming the subject-matter of the appeal is one which by this Act is declared to be in the discretion of the Warden or the Court.

(3.) The result of every appeal under this section shall be forthwith communicated to the Clerk of the Court from which the appeal was made, or to the Commissioner whose decision is appealed against, by certificate under the hand of the Registrar or Clerk of the appellate Court and the seal of his Court.

Result of appeal to be communicated.

337. Every such appeal may, as the appellant thinks fit, be on matter of fact alone, or of law alone, or of both fact and law:

Appeal on fact or law.
Ibid, sec. 335

Provided that there shall be no appeal on matter of fact from any summary conviction imposing a fine, unless the amount of the fine imposed, exclusive of costs, exceeds five pounds.

Notice and grounds
of appeal.
1905, No. 39, sec. 336

338. With respect to every appeal the following provisions shall apply :—

(a.) Within ten days after the decision to be appealed from has been given, the appellant shall file in the Court and serve on the other party notice of intention to appeal, and also lodge with the Clerk or Registrar of the appellate Court, as deposit by way of security for the costs of appeal, the sum of ten pounds if the appeal is on matter of law only, and twenty pounds if it is on matter of fact alone or of both fact and law.

(b.) Such notice of appeal shall specify whether the appeal is on matter of fact alone, or of law alone, or of both fact and law, and shall also state briefly the matters of law (if any) forming the grounds of appeal :

Provided that on the hearing of the appeal the appellant shall not be limited to the grounds of appeal stated in such notice.

(c.) The appellant, when lodging such deposit, shall also file in the office of the appellate Court a copy of all papers filed in the original proceedings, and of the decision appealed against.

(d.) Such copy shall be certified as correct under the hand of the Warden or the Clerk, and, with the notice of appeal, shall constitute the case on appeal.

(e.) Service of notice of appeal may be effected by personal service on the respondent, or upon the solicitor or mining agent who appeared for the respondent at the hearing of the suit or application in which the decision was given which is appealed against, or by leaving the same at the place of residence where the respondent was residing when the decision appealed against was given, or by leaving the same at the office of the said solicitor or mining agent of the respondent.

(f.) When service cannot conveniently be effected in manner aforesaid, it may be effected by filing a copy of the notice, within the prescribed time, in the office of the Warden's Court in which the decision appealed against was given.

Procedure when
appeal on law alone.
Ibid, sec. 337

339. If the appeal is on matter of law alone the following provisions shall apply :—

(a.) The appeal shall be in the form of a special case to be agreed on by the parties, or, if within seven days they cannot agree, then to be settled by the Warden at the request of either of them.

(b.) The special case, when agreed on or settled as aforesaid, shall be transmitted to the Clerk or Registrar of the appellate Court by the appellant, who shall also, within thirty days after the notice of appeal was filed as aforesaid, set the special case down for hearing, and give notice thereof to the other party.

Appeal to be by way
of rehearing.
Ibid, sec. 338

340. If the appeal is on matter of fact alone, or of both fact and law, it shall be by way of a rehearing of the original proceedings, in like manner as if the proceedings had been properly and duly commenced in the appellate Court :

Provided that where the appellate Court is the Supreme Court the Judge thereof may, in his discretion, or on the application of either of the parties, and upon such terms as to costs or otherwise as he thinks fit, direct any issue of fact to be tried by jury :

Issue of fact may
be tried by jury.

Provided also that where the appellate Court is the District Court the Judge thereof, in his discretion, or on the application of either of the parties, and upon such terms as to costs and otherwise as the Judge thinks fit, may direct any issue of fact to be tried by Assessors in like manner as if the proceedings were in the Warden's Court and were triable by Assessors ; and the provisions of this Act relating to Assessors shall be construed accordingly.

341. The appeal shall in every case be deemed to be abandoned if the appellant—

When appeal
deemed to be
abandoned.
1905, No. 39, sec. 339

(a.) Fails to duly file or serve such notice of appeal, or to duly lodge such deposit, within the time hereinbefore limited in that behalf ; or

(b.) Fails to duly file such certified copy, if the appeal is on matter of fact alone or of both fact and law, or to duly set down such special case if the appeal is on matter of law alone, within the time hereinbefore respectively limited in that behalf, or such extended time as the Judge of the appellate Court thinks fit to grant on application made by the appellant before the expiration of the time limited as aforesaid :

Provided that no such extension shall be granted unless the appellant satisfies the Judge that, after making all reasonable efforts so to do, he had failed to procure such certified copy or to get such case settled early enough to admit of its being set down within the time hereinbefore limited in that behalf.

342. Where an appeal is abandoned, the same proceedings may be had and taken in respect of the decision appealed against as if no notice of appeal had been given.

Proceedings when
appeal abandoned.
Ibid, sec. 340

343. Every appeal shall be heard at the sittings of the appellate Court held nearest to the place where the decision appealed against was given, and not earlier than twenty days after the time when it was given :

Court where appeal
to be heard.
Ibid, sec. 341

Provided that such Court may hear the appeal at such other place and (if the appeal is ripe for argument) such earlier time as it thinks fit.

344. The Judge of the appellate Court in each district may appoint special days for the hearing of appeals to such Court, and the days so appointed shall be publicly notified in the district by the Clerk or Registrar.

Special days for
hearing.
Ibid, sec. 342

345. Where any appeal is brought, or about to be brought, the Warden or the Judge of the appellate Court, on the application of the appellant, may make such order for an injunction, or receiver, or payment of money into the hands of the Clerk of the Warden's Court to abide the event of the appeal, or for stay of proceedings or otherwise, and upon such terms, as such Warden or Judge thinks proper ; but without such order, or an order to the same effect, no appeal shall operate as a stay of proceedings ; and the said Warden or Judge may at any time thereafter, if he thinks fit, discharge or vary such order.

Order for stay of
proceedings on
appeal.
Ibid, sec. 343

Order of appellate
Court, and costs.
1905, No. 39, sec. 344

346. With respect to the proceedings on the appeal the following provisions shall apply :—

- (a.) The appellate Court, after hearing the appeal, shall make such order reversing or varying the decision appealed against, or dismissing the appeal, as it thinks fit, and, except as provided in paragraph (e) of this section, every such order shall be final and conclusive.
- (b.) Such order may contain directions for the payment of money, or the delivery or restitution or possession of any mining privilege, or of any land or water, or of any gold, metal, mineral, or other chattels or property, to the person found to be entitled thereto.
- (c.) Such order may also contain such directions with respect to the costs of the appeal and of the original proceedings as the appellate Court thinks fit.
- (d.) Where it appears to the appellate Court that the subject-matter of the appeal does not exceed twenty pounds in value, the appellant, although successful on the appeal, shall not be entitled to any costs of appeal from the opposite party unless the Judge is of opinion that the special circumstances of the case entitle him to costs.
- (e.) The decision of the appellate Court shall be final and conclusive except where the amount claimed or the value of the property in dispute exceeds three hundred pounds, in which case there shall be a further right of appeal to the Court of Appeal, whose decision shall be final and conclusive.

As to Jurisdiction of the District Court, and Appeals therefrom.

When District Court
to have original
jurisdiction, and
proceedings therein.
Ibid, sec. 345

347. The District Court shall have an original jurisdiction concurrently with the Warden's Court in all cases where the amount claimed or the value of the property in dispute exceeds one hundred pounds ; and with respect to all suits tried in the District Court in the exercise of such jurisdiction the following provisions shall apply :—

- (a.) The forms of proceedings in use in such Court shall be applied as far as possible, and in so far as they are not applicable the forms of proceedings in the Warden's Court may be used, with such alterations as are necessary.
- (b.) Except where an issue of fact is to be tried before Assessors, as hereinafter provided, the Judge of the District Court shall alone determine all matters of fact as well as of law.
- (c.) For the purpose of the trial of any issue of fact before Assessors, the provisions of section three hundred and eighteen hereof relating to Assessors shall, *mutatis mutandis*, apply to the District Court and the Clerk thereof.
- (d.) Subject as aforesaid, every issue of fact which is to be tried before Assessors shall be tried in the same manner as if such issue had been directed by the Supreme Court in a matter pending in that Court.
- (e.) From every decision of the District Court an appeal shall lie to the Supreme Court, in the same manner and subject to the same rules, conditions, and procedure, *mutatis mutandis*, as in the case of appeals from a decision of the Warden's Court.

348. Notwithstanding anything in this Act, any action, whether now pending or hereafter commenced, where the amount claimed or the value of the property in dispute exceeds five thousand pounds, in a Warden's Court, or in a District Court exercising an original jurisdiction concurrently with the Warden's Court, under section three hundred and forty-seven hereof, may be removed from any such Court into the Supreme Court upon the consent of both parties to the action, if the Supreme Court or a Judge thereof deems it desirable and orders that the action shall be tried in such last-mentioned Court.

Action may be removed to the Supreme Court.
1905, No. 39, sec. 346

349. The application to have any such action removed shall be made in accordance with the rules of the Supreme Court for the time being, and any order for removal shall be made upon such terms as to security and otherwise as the Supreme Court or a Judge thereof thinks fit to impose, and after the making of such order the action shall proceed as if the same had been commenced in the Supreme Court originally, and the rules of such Court as to amendment and otherwise shall apply thereto.

Application to have action removed.
Ibid, sec. 347

350. The Judge of the District Court may at any time reserve for the opinion of the Supreme Court, by way of special case, any question arising in any proceedings in the District Court in the exercise of its original jurisdiction under this Act; and with respect to every such special case the provisions of section three hundred and thirty-five hereof shall, *mutatis mutandis*, apply.

Question may be reserved for Supreme Court.
Ibid, sec. 348

Other Provisions.

351. For the purpose of taking the evidence of witnesses resident at a distance from the place of hearing, the provisions of sections eighty-six to ninety of "The Magistrates' Courts Act, 1908," shall, *mutatis mutandis*, apply to all proceedings either in the Warden's Court or in the District Court in the exercise of its jurisdiction under this Act, or before the Warden in the exercise of his functions under any Part of this Act:

Evidence of witnesses at a distance.
Ibid, sec. 349

Provided that if there is no Warden's Court or District Court at the place where such evidence is to be taken it may be taken in the Magistrate's Court.

352. Subject to the provisions hereinbefore contained for appeal to the Supreme Court, or for special cases reserved for the opinion of that Court, or for the removal of actions into that Court, and subject also to the right of any person to proceed in the Supreme Court when the cause of action affects title to land held otherwise than under this Act, all proceedings in any matter within the jurisdiction of the Warden's Court or the District Court under this Act shall be brought in such Court alone.

Proceedings within jurisdiction to be brought in Warden's or District Courts.
Ibid, sec. 350

353. Affidavits to be used in any proceedings before the Warden or in the Warden's Court under this Act may be sworn before a Warden, a solicitor of the Supreme Court, a Justice, or the Clerk.

Swearing of affidavits.
Ibid, sec. 351

354. Every warrant, order, conviction, judgment, or decision of the Warden or the Court under this Act or any former Mining Act shall be deemed to have been made or given by the Magistrate of an inferior Court within the meaning and for all the purposes of section seventy-six of "The Judicature Act, 1908."

Removal of defects in warrants, &c.
Ibid, sec. 352

Service of process
on Sundays void.
1884, No. 23, sec. 3

355. (1.) No person shall serve or execute, or cause to be served or executed, on Sunday any writ, process, warrant, order, judgment, or decree of the Warden's Court (except in cases of crime or of breach of the peace), and such service or execution shall be void to all intents and purposes whatsoever.

(2.) Every person who commits a breach of this section is liable to a fine not exceeding ten pounds, to be recovered in a summary way.

(3.) Nothing in this section shall be construed to annul, repeal, or in any way affect the common law, or the provisions of any statute or rule of practice or procedure, now or hereafter in force, authorising the service of any writ, process, or warrant, in cases other than those hereinbefore excepted.

PART X.

ADVANCES TO COMPANIES AND PERSONS FOR DEVELOPMENT OF MINING.

Application to
Minister for
advance.
1905, No. 55, sec. 30

356. Subject to the provisions of this Act, it shall be lawful for a company to apply to the Minister for an advance by way of loan to such company for the purposes of—

- (a.) Carrying on pioneer mining;
- (b.) Procuring machinery, working plant, or appliances for carrying on such pioneer mining, and for erecting, fitting up, or connecting the same; and
- (c.) Providing all works necessary for the proper carrying-on of such pioneer mining.

Evidence and
information to be
submitted with
application.
Ibid, sec. 31

357. (1.) Any company which applies for an advance under this Act shall supply the Minister with—

- (a.) Evidence to the satisfaction of the Minister that the company is duly incorporated and registered;
- (b.) A copy of the company's memorandum and rules;
- (c.) A description of the land upon which it is intended to carry on mining operations, together with a survey and plan of such land if so required by the Minister;
- (d.) A description of the machinery, working plant, and appliances which it is proposed shall be used in such mining operations, together with descriptive plans and sections of such machinery, working plant, and appliances;
- (e.) An estimate in detail of the cost of such machinery, working plant, and appliances;
- (f.) Evidence to the satisfaction of the Minister that such machinery, working plant, and appliances will be sufficient for the mining operations intended to be carried out by such company;
- (g.) A statement showing the period of time over which the advance is to extend, and the instalments of such advance that will be required; and also
- (h.) Any further or other information which the Minister may require.

Verification.

(2.) The Minister shall require all of the said evidence, statements, and information to be verified on oath.

Report by
Government
Geologist.
Ibid, sec. 32

358. (1.) Every such application shall be referred by the Minister to the Government Geologist or other professional officer for report thereon.

(2.) Such report shall be made after a personal examination of the land in which such company proposes to carry on mining operations, and shall—

- (a.) Fully describe the character of the land and of the deep lead, or lode, or reef, or other auriferous formation contained therein;
- (b.) State whether the proposed mining operations would or would not be of a pioneer character;
- (c.) State whether, in the opinion of the Government Geologist or officer making such report, there is a reasonable probability of such mining operations proving to be of a remunerative character, and shall give the reasons and grounds for such opinion;
- (d.) State whether the machinery, working plant, and appliances are of a character and description properly adapted to the proposed mining operations; and
- (e.) Give any further or other information which the Minister may require.

359. (1.) If, after considering the documents and evidence so supplied by the applicant company, and all evidence and reports relating thereto, the Minister considers that the application is satisfactory he may submit the application, together with all documents connected therewith, for the approval of the Minister of Finance, who may recommend the Governor to grant and the Governor may grant such application accordingly.

Power to grant application;
1905, No. 55, sec. 33

(2.) Thereupon the Minister of Finance may, in the name and on behalf of His Majesty, enter into an agreement with such company undertaking that the Governor will, subject to this Act, advance by way of loan to such company any sum or sums not exceeding in the whole the amount of ten thousand pounds.

And enter into agreement.

(3.) Such advance shall be payable in instalments of such amount as are specified in the agreement.

Instalments.

(4.) No instalment shall be so paid to any company until the Minister of Finance is satisfied, by the production of vouchers or otherwise, that for every pound to be advanced under this Act the company, after entering into such agreement, has out of its own capital previously actually and properly expended in mining operations on the land held by such company a like sum of one pound, and that the company has also previously and properly expended in mining operations on the said land all previous instalments advanced by the Governor.

Conditions precedent to paying any instalments.

(5.) The company shall pay to the Minister of Finance interest on the amount of the advance, calculated from the date of the payment of the respective instalments, at the rate of four pounds and ten shillings per centum per annum, by half-yearly payments on dates to be specified in such agreement.

Interest.

(6.) The agreement shall contain all such covenants, conditions, restrictions, and provisions consistent with this Act as the Governor thinks fit in order to insure the due performance by the company of the obligations and duties required by this Act, and the obligations and duties entered into by such company in such agreement.

Agreement to contain covenants, &c.

Company to execute
first mortgage to
Minister of Finance
over mine.

1905, No. 55, sec. 34

360. Before receiving any instalment of an advance granted under this Act the company shall execute or cause to be executed, at its own cost and expense, to His Majesty and to the satisfaction of the Minister of Finance a first mortgage and charge over the mine and all other property and assets (except uncalled capital) of such company, to secure the repayment of the advance and interest and all moneys which by this Act the company is required to pay to the Minister of Finance.

Payments to Minister
of Finance to form
first charge on
company's profits.

Ibid. sec. 35

361. (1.) Notwithstanding anything in the company's articles of association, the payments to be made to the Minister of Finance by the company pursuant to the agreement made under the provisions of this Act shall form a first charge on the profits and assets (except uncalled capital) of the company; and there shall not be divided amongst or paid to members or shareholders of the company any profits, or dividends, or bonuses, or any returns of any kind, until the company has repaid the advance and interest thereon to the Minister of Finance.

Liabilities of
company made a
Crown debt.

Ibid. sec. 36

(2.) The liability of any company at any time existing to the Minister of Finance shall be a debt due and payable to His Majesty, and payment thereof and all remedies therefor, whether upon or by virtue of mortgage or otherwise, may be enforced in the name of His Majesty against the company's mine and all other property and assets of the company in priority to all other persons.

Minister empowered
to inspect
construction of
works.

Ibid. sec. 37

362. With respect to every company which has received an advance under this Act the following provisions shall apply, so long as any moneys remain payable to the Minister of Finance:—

Minister entitled to
inspect books and
documents, also to
demand information.

(a.) The Minister of Mines is hereby empowered to appoint some person or persons to inspect and report upon the progress of the works of the company.

(b.) The company shall, when so required by the said Minister in writing under his hand, allow full inspection of and copies and extracts to be taken from all or any of the books, documents, or records belonging or relating to the business of the company.

(c.) The Minister of Mines may also demand in writing any other information relating to the company's transactions, and he may require the same to be verified on oath by the directors, manager, or other principal officers; and such information shall be supplied to the Minister within fourteen days of the demand therefor.

Company to keep
works fully insured.

(d.) The company shall keep the whole of its properties insured against fire to the full insurable value in the State Fire Insurance Office, or by some insurance company or society approved by the Minister of Finance, in the joint names of the Minister of Finance and the company; and in default the Minister of Finance may effect such insurance himself and recover the amount of the premium from the company.

Action in case of
default.

(e.) In case of default on the part of the company the Minister of Finance shall give notice in the *Gazette*, and in some newspaper circulating in the neighbourhood of the mine, of his intention to enforce compliance with the pro-

visions of this Act, and shall also give a like notice to the company at its registered office.

(f.) If after the expiration of fourteen days from the time such notice has been given in the *Gazette* the default still continues, the Minister of Finance may, if he thinks fit, appoint some person on his behalf to enter into full and absolute possession of the mine and all other property of the company, and maintain the efficiency and safety of the machinery and mine, and keep down water if necessary, appoint all necessary managers, officers, and servants, and continue in such possession as long as the default continues.

(g.) During such possession such person shall have and may exercise all or any of the powers possessed by the directors and officers of the company, and the powers of such directors and officers shall be suspended; and if so directed by the Minister of Finance such person may cause the mine, machinery, working plant, and appliances and other property to be sold by public auction or tender or private contract, and the moneys thereby realised shall, after payment of all expenses incurred by the Minister of Finance, be applied towards the payment of all moneys payable by the company to the Minister of Finance.

(h.) Any non-compliance by the company or any of its directors, managers, or other principal officers, or by any meeting of the company or its directors, with any of the provisions of this Act, or with any of the covenants, conditions, restrictions, or provisions of any agreement entered into between His Majesty and the company pursuant to this Act, or with any order, demand, prohibition, notice, or requirement of the Minister of Finance or any person appointed by him pursuant to this Act, or any obstruction to any such provision, covenant, condition, restriction, proviso, order, demand, prohibition, notice, or requirement, shall constitute a default on the part of the company; and the Minister of Finance may on such non-compliance proceed to enforce against the company all or any of the remedies provided by this Act or by such agreement or mortgage, as the case may be. Definition of default.

363. The provisions of sections three hundred and fifty-six to three hundred and sixty-two hereof shall, *mutatis mutandis*, extend and apply to applications by and advances to any person or persons not being incorporated as a company. Loans to persons not incorporated.
1905, No. 55, sec. 38

PART XI.

GOLD-DEALERS.

364. For the purposes of this Part of this Act—

“Buyer” includes dealer, and the agent of any buyer or dealer: Interpretation.
ibid, sec. 40

“Gold” includes gold, gold bullion, retorted gold, gold-ores, gold-amalgam, gold-alloys, precipitates containing gold,

slag, concentrates, tailings, and residues; but does not include coin or things manufactured of gold:

“Sale” includes exchange or pledge.

Gold-dealers’
licenses.

1905, No. 55, sec 41

365. (1.) Except as hereinafter provided, no person shall buy or sell gold unless either the buyer or the seller is the holder of a gold-dealer’s license and the sale is effected at the registered place of business of the gold-dealer and under his personal supervision.

(2.) Every person who commits a breach of this section is liable, on summary conviction, to a fine not exceeding one hundred pounds, or to imprisonment not exceeding six months.

(3.) Nothing herein shall apply to the purchase of gold-bearing earth or tailings from any registered leaseholder or claimholder if it is proved by the buyer that the sale was effected by a contract in writing, signed by or on behalf of the seller and the buyer, setting forth that the earth or tailings were produced from and taken out of the ground comprised in the lease or claim of which the seller is the registered holder, and which lease or claim is sufficiently described in the contract.

Application therefor.
Ibid, sec. 42

366. Application for a gold-dealer’s license shall be made to the Warden.

Hearing of
application.
Ibid, sec. 43

367. The Warden shall hear the application in open Court, and transmit a report and recommendation to the Minister.

Recommendation
thereon.
Ibid, sec. 44

368. Before recommending the granting of the license the Warden shall be satisfied that the applicant is a fit and proper person to hold such license and that he has complied with the regulations.

Granting and effect
thereof.
Ibid, sec. 45

369. Every gold-dealer’s license shall be granted by the Minister on payment of the prescribed fee, and shall have effect only within the district therein specified.

Granting of license
discretionary.
Ibid, sec. 46

370. The granting or refusal of a license shall be in the absolute discretion of the Minister.

Licenses to banking
companies.
Ibid, sec. 47

371. Notwithstanding anything hereinbefore contained, a gold-dealer’s license may be granted by the Minister to any incorporated bank on payment of the prescribed fee.

Duration of license.
Ibid, sec. 48

372. Every gold-dealer’s license shall continue in force until the thirty-first day of December next following the granting thereof, but may be annually renewed on payment of the prescribed fee:

Provided that a license may at any time be cancelled by the Minister on the licensee being convicted of any offence which, in the opinion of the Minister, renders the licensee unfit to hold a license.

Register of
Gold-dealers.
Ibid, sec. 49

373. (1.) A Register of Licensed Gold-dealers shall be kept in the office of the Department of Mines in Wellington, and an official copy of the Register shall be kept at the office of every Warden so far as it relates to his district.

(2.) The Register shall contain the number of each license, and the name in full and the place of business of the licensee.

(3.) The Register shall be open to public inspection, without fee, at all times during ordinary office hours.

(4.) Every licensee shall be struck off the Register on the expiration of his license, unless a renewal thereof has been previously granted.

Change of registered
address.
Ibid, sec. 50

374. (1.) The holder of a gold-dealer’s license may, on application to the Warden and on payment of a fee of five shillings, change his registered place of business.

(2.) An indorsement of such change shall be made by the Warden on the license, and notified to the Under-Secretary for Mines for entry on the Register.

375. (1.) Every licensee shall keep at his registered place of business a "gold-dealer's book." Gold-dealer's book.
1905, No. 55, sec. 51

(2.) Immediately after buying or selling gold he shall—

(a.) Make an entry in such book of the name and address of the buyer or seller, as the case may be, and of such other particulars as may be prescribed; and

(b.) Furnish to the Under-Secretary for Mines such particulars as to gold bought or sold as may from time to time be prescribed.

(3.) Every person who fails to comply with any of the provisions of this section is liable, on summary conviction, to a fine not exceeding one hundred pounds.

376. Every entry in a gold-dealer's book shall be signed by the person with whom the dealing is made; and every person who makes any false statement therein is liable, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months, or to a fine not exceeding one hundred pounds. Entries to be signed.
Ibid, sec. 52

377. (1.) When gold is forwarded by post to an incorporated bank licensed under this Act, the sender may make a statutory declaration, in the prescribed form, of the name and address of the buyer and seller, and of such other particulars as may be prescribed. Declaration when
gold sent by post.
Ibid, sec. 53

(2.) Such declaration may be made before a Warden, Mining Registrar, Magistrate, Justice, Postmaster, or constable, and when filed in the gold-dealer's book shall be in lieu of an entry under the two last preceding sections, and shall be deemed a compliance therewith.

378. Every licensee who makes a false entry in a gold-dealer's book is liable, on summary conviction, to imprisonment, with or without hard labour, for any period not exceeding six months, or to a fine not exceeding one hundred pounds. Penalty for false
entry.
Ibid, sec. 54

379. (1.) Every Inspector, Sub-Inspector, and Sergeant of Police, and, if authorised as hereinafter provided, any constable or officer of the Department of Mines, may at any time enter the place of business of the holder of a gold-dealer's license, or any other place where a gold-dealer's book may be, and inspect the same and take extracts therefrom. Inspection.
Ibid, sec. 55

(2.) Every person who refuses to produce such book, or resists or impedes inspection thereof, is liable, on summary conviction, to a fine not exceeding one hundred pounds.

(3.) Every authority under this section shall be in writing under the hand of the Minister, the Under-Secretary for Mines, or a Warden.

380. (1.) Every person making any inspection under the last preceding section shall keep secret and aid in preserving secrecy with regard to all matters which may come to his knowledge in his official capacity, and shall not communicate any such matter to any other person except in performance of his duties. Inspectors to
preserve secrecy
Ibid, sec. 56

(2.) Every person who acts contrary to this section is liable, on summary conviction, to a fine not exceeding fifty pounds.

Temporary licenses.
1905, No. 55, sec. 57

381. (1.) A Warden may issue to any fit and proper person a temporary license to deal in gold in any remote locality.

(2.) Such license shall be in force for such period, not exceeding three months, as the Warden thinks fit.

(3.) The provisions of this Act relating to gold-dealers shall apply to the holder of a temporary license, so far as the same are applicable thereto.

(4.) Notice of the issue of every temporary license shall be forwarded by the Warden to the Under-Secretary for Mines, and particulars thereof shall be recorded in the Register of Gold-dealers.

Unlicensed dealers.
Ibid, sec. 58

382. Every person who, not being a licensed gold-dealer, advertises himself as a dealer in gold, or in any way invites any person or persons generally to deal with him in the purchase or sale of gold, is liable, on summary conviction, to a fine not exceeding one hundred pounds.

Gold dealings to be recorded.
Ibid, sec. 59

383. (1.) Every person who receives gold exceeding the value of twenty pounds from any other person for safe keeping, transmission, or otherwise howsoever as a bailee, shall keep a record in writing of such transaction, and shall, on demand, produce such record for inspection by any officer of the Department of Mines authorised as provided in section three hundred and seventy-nine hereof.

(2.) Every person who fails to comply with the requirements of this section is liable to a fine not exceeding one hundred pounds.

PART XII.

MISCELLANEOUS PROVISIONS.

As to Development of the Mining Industry.

Subsidy for pioneer mining.
Ibid, sec. 39

384. (1.) The Minister of Finance may from time to time, on the recommendation of the Minister, pay to any person engaged in prospecting or pioneer mining a subsidy not exceeding five shillings for every pound expended by such person in prospecting or pioneer mining during the preceding twelve months.

(2.) The Minister may require such evidence as to the *bona fides* of any application for a subsidy as he thinks fit, or as may be prescribed by regulations.

(3.) Not more than five hundred pounds shall be paid under this section to any person, nor more than ten thousand pounds in the whole in any one year.

Local authority may use funds to develop mining industry.
1905, No. 39, sec. 353

385. Subject to regulations, any local authority may from time to time apply such portions of its funds as it thinks fit in assisting the development of the mining industry in all or any of the following ways, that is to say :—

(a.) In offering and paying rewards for the discovery of new mining fields in respect of gold or any other metals or minerals, or any precious stones :

(b.) In prospecting for gold or any other metals or minerals or any precious stones :

(c.) In or towards the erection, establishment, maintenance, and extension of schools of mines.

386. Any local authority in a mining district may expend a portion of the revenues received by it from duty on gold or goldfields revenue in prospecting for diamonds, gold, silver, tin, or other metals.

Local authority may use certain revenues for prospecting.

1885, No. 49, sec. 5

387. All moneys from time to time appropriated by Parliament for the purpose of assisting the development of the mining industry, whether by way of grants, rewards, or otherwise (other than moneys appropriated for the purposes of Part X hereof), shall be apportioned and applied as the Minister thinks fit, subject nevertheless to the special terms (if any) of such appropriation, and subject also to the provisions following, that is to say :—

Method of applying moneys appropriated by

Parliament to assist development of mining industry.

1905, No. 39, sec. 354

(a.) The assistance to be given towards prospecting at deep levels shall be confined to three mining districts ; and in no case shall more than one deep level be assisted in any such district at one time.

(b.) In any case where such assistance is given by way of reward for the discovery of a new mining field, whether in respect of gold or any other metal or mineral, or any precious stone, the Minister may agree with any local authority that such authority shall pay such portion of the reward as is agreed on, not exceeding one moiety, and that the residue shall be paid by him ; and in every such case the local authority shall be liable to pay such portion accordingly.

(c.) In any case where any local authority itself offers any reward under the provisions in that behalf hereinbefore contained, the Minister may pay such portion thereof as is agreed on, not exceeding one moiety.

(d.) In any case where any local authority, being liable to pay any money in respect of any such reward, makes default in duly paying the same, the Minister may pay the same on its behalf, and all money so paid by him shall be a charge upon and be deducted from all goldfields revenue, or other subsidy or money, due or accruing due to such local authority under any Act.

388. The Governor may from time to time by Order in Council delegate to any local authority, or to any number of local authorities to be united for the purpose, the expenditure of moneys appropriated by Parliament for expenditure in encouraging and assisting the prospecting for gold or gold-mining operations in any mining district within the district or districts of such local authority or united local authorities ; but such local authority or united local authorities shall in the expenditure of the same conform to all such conditions and regulations as are prescribed in that behalf by or under this Act, or by the Governor in Council in such delegation ; and when any such delegation is made, the Minister of Finance may pay over to the local authority or united local authorities to whom the delegation is made the amount payable in pursuance thereof.

Governor in Council may delegate to local authority.

1885, No. 49, sec. 4

389. With respect to every reward for the discovery of a new mining field, whether payable in whole or in part by the Minister, or by any local authority, the following special provisions shall apply :—

Reward for discovery of new mining field, when payable, and amount.

1905, No. 39, sec. 355

(a.) The reward shall in no case be payable unless the claim therefor is made within five years after the date of the discovery, nor until the genuineness of the discovery has been tested by actual working.

Regulations as to applications for and conditions of assistance.
1905, No. 39, sec. 356

- (b.) The amount of the reward shall be computed on the basis of the number of miners *bona fide* engaged in mining operations on the new field at the expiration of twelve months after the date of the discovery thereof; and the total amount of the reward shall in no case exceed five hundred pounds.

390. For the purposes of this Part of this Act the Governor may from time to time make regulations prescribing—

- (a.) The mode of application to the Minister or any local authority for assistance :
- (b.) The extent to which and the terms and conditions subject to which such assistance may be given :
- (c.) The definition of “deep levels,” and the number and locality of the deep levels for the prospecting whereof assistance may be given by the Minister :
- (d.) The conditions as to the use of diamond drills in boring operations :
- (e.) The number, localities, requirements, capacities, and method of construction of water-races and water-storage reservoirs towards which assistance may be given by the Minister :
- (f.) The mode of application for rewards for the discovery of new mining fields, the terms and conditions subject to which such rewards may be offered and given, and the mode of computing the amount thereof :
- (g.) Any other matter which the Governor deems necessary in the premises.

Minister may enter into agreements.
Ibid, sec. 357

391. For the purpose of specifying the purpose for which assistance is to be given by the Minister to any person, the extent of such assistance, and the terms and conditions subject to which it is to be given, the Minister may, in the name and on behalf of His Majesty, make such agreements and execute such instruments as he thinks fit.

Regulations.

Purposes for which regulations may be made.
Ibid, sec. 358
1906, No. 47, sec. 5

392. In addition to the regulations which the Governor is empowered to make under the foregoing provisions of this Act, he may from time to time make such regulations as he thinks necessary for all or any of the purposes following, that is to say :—

- (1.) Prescribing the rights, duties, powers, and functions of the Warden or any officer or other person appointed under this Act, or employed or acting in the administration thereof, and the districts or portions thereof wherein he shall exercise the same.
- (2.) Prescribing whatever the Governor deems necessary for the efficient management and administration of the affairs of mining districts.
- (3.) Prescribing the mode in which applications for the resumption of land may be made and dealt with.
- (4.) Prescribing whatever the Governor deems necessary in order to give full effect to the provisions of this Act relating to the resumption or ceding of land for mining purposes, or the surrender or determination of outstanding leases or licenses granted by the Native or other owners of land prior to the acquisition of such land by His Majesty.

- (5.) Prescribing the mode, times, and places for the issue of miners' rights.
- (6.) Prescribing the qualifications and privileges conferred by a miner's right upon the holder thereof.
- (7.) Exempting persons or classes of persons from the obligation to hold miners' rights; such exemption being absolute or limited, as the Governor thinks fit to prescribe.
- (8.) Prescribing the mode in which goldfields revenue in respect of ceded land, reserves, endowments, and other lands shall be collected, accounted for, and distributed to the owners, trustees, or other persons entitled thereto.
- (9.) Prescribing in respect of mining privileges under this Act the mode and terms of application therefor, and of marking out and taking up the land comprised therein; the area and dimensions of such land; the notices to be given, the persons to be served, and the mode of service; the forms, terms, and conditions of the licenses therefor, and of renewals thereof; the fees, rents, and royalties payable in respect thereof; the time and mode of such payments; and the rights, privileges, duties, and obligations of the holders thereof.
- (10.) Prescribing the mode in which and the terms and conditions subject to which mining privileges may be surrendered, exchanged, or amalgamated.
- (11.) Prescribing the forms of instruments for the disposition of mining privileges, and the mode of execution thereof.
- (12.) Regulating the use and occupation of land under this Act, and the mode in which and the conditions and restrictions subject to which mining operations may be carried on therein or thereon.
- (13.) Prescribing the terms, conditions, and restrictions subject to which prospecting operations may be carried on, whether under warrant or license or by virtue of a miner's right, the mode of assessing and settling the compensation payable by the prospector to the owner or occupier of the land prospected on, and whatever else the Governor thinks necessary for the purpose of regulating prospecting.
- (14.) Prescribing in what cases, to what extent, and in what manner the outgoing holder of a mining privilege, or of surplus ground, may be entitled to receive from the incoming holder valuation for mining or other improvements existing thereon, and prescribing the mode of ascertaining such valuation.
- (15.) Enabling holders of mining privileges to make and use and to use already-made shafts, levels, adits, drives, tunnels, races, or other mining-works through or over other lands, whether held as mining privileges or not, and prescribing the mode in which, and the terms and conditions as to compensation and otherwise subject to which, the same may be so made and used.
- (16.) Prescribing the mode in which, and the terms, conditions, and restrictions subject to which, water may be diverted and used for mining or other purposes, and preventing the waste thereof.

- (17.) Prescribing the mode in which, and the terms, conditions, and restrictions subject to which, watercourses may be diverted from their channels or beds, and mining be carried on therein.
- (18.) Regulating the construction, maintenance, and use of races, dams, and other mining privileges in respect of water, and the use and sale of the water therein.
- (19.) Prescribing the mode in which, and the terms, conditions, and restrictions subject to which, tailings, mining *débris*, and waste waters may be discharged or suffered to flow into watercourses proclaimed for that purpose.
- (20.) Prescribing the mode in which valuations for improvements may be made, and claims for compensation under this Act may be made, assessed, and disposed of.
- (21.) Regulating and enforcing the drainage of mining privileges, and preventing damage from the escape or overflow of water from mines.
- (22.) Setting apart water, watercourses, and dams for specified purposes distinct from mining; regulating the use and sale of water for such purposes, and preventing the waste or fouling thereof.
- (23.) Regulating the proper working of mines and machinery (including dredging claims and dredges), and making provision for the safety of life and property in connection with mining operations.
- (24.) Authorising and regulating mining under roads, streets, and paths, subject to due provisions for the safety, preservation, and repair thereof.
- (25.) Requiring and regulating the fencing-in and filling-up of shafts, pits, holes, and excavations.
- (26.) Preventing nuisances and providing for sanitation in and about mining privileges and the buildings erected thereon.
- (27.) Prescribing the mode in which, and the terms, conditions, and restrictions subject to which, timber on Crown lands may be felled and removed, fixing the prices to be paid for the various descriptions of such timber, and preventing the unlawful felling or removal thereof.
- (28.) Establishing and keeping registers for the registration of mining privileges and of the titles thereto, and of instruments of transfer and other dispositions thereof, and of liens and other incumbrances thereon, and prescribing the mode of such registration.
- (29.) Prescribing the mode in which liens and other incumbrances in respect of mining privileges may be discharged and such discharges may be registered.
- (30.) Prescribing the procedure for enforcing and obtaining the benefit of any lien authorised by this Act.
- (31.) Regulating the registration of persons as agents for parties in the Warden's Court and before the Warden, and prescribing the fees payable for such registration.
- (32.) Regulating the procedure and practice in the Warden's Court, and in proceedings before the Warden in his administrative as well as his judicial capacity.

- (33.) Fixing the fees to be paid in respect of proceedings in the Court or before the Warden.
- (34.) Regulating the costs that may be awarded, and the scale of allowances for witnesses' expenses in respect of such proceedings.
- (35.) Prescribing the maximum costs and charges that may be charged under this Act by solicitors and registered agents.
- (36.) Prescribing the procedure in specified cases, including claims for damage done to land by reason of prospecting operations thereon.
- (37.) Prescribing the mode in which surveys under this Act shall be made, the fees to be paid therefor, the amount of the deposit to be made in respect thereof, and the mode of disposing of such deposit.
- (38.) Appointing Postmasters for the issue of miners' rights or other specified mining privileges, and the receipt of fees and other payments under this Act in respect of mining privileges; prescribing the mode of such issue and receipt, and of the accounting for all moneys so received.
- (39.) Prescribing, in cases not hereinbefore provided for, the matters in respect whereof fees shall be payable under this Act, the amount thereof, and the persons liable to pay the same.
- (40.) Making provision for the compilation of mining statistics, and for that purpose requiring every claimholder and every person carrying on mining operations otherwise than under this Act to furnish to the Inspector periodical returns in the prescribed manner and form, showing for each such period in respect of such claim the number of workmen employed, the quantity of gold or other metal or mineral produced, together with such other particulars as are prescribed.
- (41.) For the purpose of such compilation as aforesaid, requiring every bank or other gold-dealer to furnish to the Inspector periodical returns showing for each such period the quantity of gold purchased by such dealer, together with such other particulars as are prescribed.
- (42.) Exercising, in such manner as the Governor thinks fit, any power or authority conferred upon him by this Act.
- (43.) Prescribing the respective forms of all licenses, certificates, and other documents issued under this Act, and the mode of recording the same, and giving effect to anything which under the provisions of this Act is to be prescribed.
- (44.) Effectuating anything for which regulations are contemplated or required by this Act.
- (45.) Generally prescribing whatever he deems necessary for the purpose of giving full effect to this Act, including fines not exceeding ten pounds for the breach of any regulation.

393. With respect to all regulations under this Act the following provisions shall apply:—

- (a.) They shall be gazetted, and shall come into operation from the date of such gazetting:
- (b.) They shall, within twenty-eight days after such gazetting, be laid before Parliament if sitting, or if not sitting, then within

Regulations to be laid before Parliament, who may request same to be amended.

1905. No. 39, sec. 359

fourteen days after the commencement of the next ensuing session, and shall be referred to the Goldfields and Mines Committee of each House of Parliament.

- (c.) In any case where both Houses of Parliament by resolution request that any regulation be amended in any respect, or be repealed, the Governor shall forthwith amend or repeal such regulation accordingly.
- (d.) No right, title, or interest acquired under or created by any regulation under this Act shall be in any manner affected by the amendment or revocation of such regulation.

General Provisions.

Persons mining
on certain lands
without authority
commit offence.
1905, No. 39, sec. 360

394. If any person carries on mining operations—

- (a.) On Crown lands (other than Native ceded lands) without being duly authorised under this Act so to do; or
- (b.) On private land, without being duly authorised under this Act or by the owners so to do,—

he commits an offence, and is liable to a fine of not more than five pounds, nevertheless without thereby releasing him from any other liability he may incur by reason of such illegal operations.

Manager, &c., not
to act as
sharebroker.
Ibid, sec. 361

395. If any person whilst he is employed or acting as mine-manager, legal manager, or secretary of any mine, or of any registered or incorporated company carrying on mining operations, acts directly or indirectly as a sharebroker in respect of the shares or stock of such mine or company he is liable to a fine not exceeding fifty pounds.

Evidence that
conditions complied
with.
Ibid, sec. 362

396. (1.) The issue of any license or certificate by the Warden under this Act or any former Mining Act shall, except in case of fraud, be conclusive evidence that all the conditions and provisions prescribed by such Act as precedent to such issue have been duly complied with.

If license or
certificate lost,
duplicate may be
issued.
Ibid, sec. 363

(2.) If any license, certificate, or other document issued under this Act or any former Mining Act is lost or destroyed, a duplicate thereof may be issued in such manner, and upon such conditions as to proof of loss and otherwise, as are prescribed.

Proof of licenses.
Ibid sec. 364

(3.) In all proceedings in any Court of justice the production of any document purporting to be a license, certificate, or other document issued by the Warden or any other officer under this Act or any former Mining Act shall, until the contrary is proved, be sufficient evidence that the document is what it purports to be, and that it was lawfully issued.

(4.) Nothing in the last preceding subsection shall limit or affect the operation of the first subsection hereof.

Certificated extract
of register to be
received as evidence.
Ibid, sec. 365

397. A certificate in writing of the contents of or any extract from any register under this Act or any former Mining Act, purporting to be signed by the Registrar or other officer authorised to keep such register, shall, until the contrary is proved, be sufficient evidence in all Courts of justice, and for all purposes, of the matters set forth in such certificate, without production of the register or proof of the signature to such certificate.

Directors and
officers of foreign
company liable for
fees and rent.
Ibid, sec. 366

398. In any case where any mining privilege is held by any company not registered in New Zealand, every director and attorney of such company, and also its manager and other officers, shall be severally liable for

all fees, rents, royalties, and fines payable in respect of such mining privilege, nevertheless without relieving the company from its liability in respect thereof.

399. It shall not be necessary for any bailiff conducting any sale under this Act to be the holder of an auctioneer's license, but if he does not hold such license he shall not be entitled to charge any commission for acting as auctioneer at such sale.

Bailiff may sell
without license.
1905, No. 39 sec. 367

400. Every person who commits any breach of any of the provisions of this Act, or of any regulations thereunder, for the punishment whereof no express provision is made elsewhere than in this section, is liable to a fine not exceeding for the first offence ten pounds, and for every subsequent offence of the same nature twenty pounds.

Fine for breach
of Act or regulations
Ibid, sec. 368

401. Notwithstanding the institution of proceedings for the recovery of any fine under this Act, or the recovery of such fine, any person shall be entitled to enforce against all persons any civil remedy he may have by reason of the act or default in respect of which such proceedings were instituted.

Fine no bar to
civil action.
Ibid, sec. 369

402. (1.) All fees, rents, royalties, and other dues payable under this Act or any former Mining Act shall be deemed to be moneys of the Crown, and, without in any way restricting any other mode or remedy for the recovery thereof, any Receiver of Goldfields Revenue for a mining district, or Receiver of Land Revenue for a land district, may in his own name sue therefor in the Warden's Court, or any other Court of competent jurisdiction, if the same remains in arrear for thirty days :

Receiver may sue
for fees or rent in
arrear.
Ibid, sec. 370

Provided that in any case where all the local authorities or persons entitled to any specified dues as goldfields revenue request the Minister to treat them as not recoverable, or to accept a composition in respect thereof, or to give time for the payment thereof, he may do so, and in every such case the Receiver shall act as directed by the Minister.

(2.) All mileage fees received for service of any process under this Act shall be paid into the Public Account and form part of the Consolidated Fund, anything in this or any other Act to the contrary notwithstanding.

403. The Receiver of Goldfields Revenue shall furnish a return half-yearly, in the prescribed form, to the local authority entitled to goldfields revenue, setting forth in respect of such half-year the particulars of all revenue payable, paid, and in arrear

Receiver to furnish
half-yearly return.
Ibid, sec. 371

404. Where land situate in a mining district is taken under "The Public Works Act, 1908," a copy of the Proclamation shall be deposited with the Mining Registrar for registration, and the Registrar shall register the same as on the hour and date of its being so deposited

Registration of
Proclamation taking
land under Public
Works Act.
Ibid, sec. 372

405. The Mining Registrar shall furnish to the Minister a monthly return, in the prescribed form, setting forth the particulars of all licenses, transfers, forfeitures, or other transactions registered by him during each month.

Mining Registrar to
furnish monthly
return.
Ibid, sec. 373

406. Every Warden acting in the execution of his office or duty under this Act shall be entitled to the same protection as Justices under any law for the time being in force to protect Justices from vexatious actions for anything done by them in the execution of their office or duty; and Division IV of "The Justices of the Peace Act, 1908." shall, *mutatis mutandis*, apply to Wardens as fully as to Justices.

Protection to
Wardens.
Ibid, sec. 374

Power of Warden
where no provision
is made.
1905, No. 39, sec. 375

407. Wherever a Warden is empowered or required by this Act to cause anything to be done, and the mode of doing it is not elsewhere sufficiently provided for by this Act, it may be done by any person authorised verbally or in writing by the Warden; and all constables shall, if thereunto required, assist any Warden or person authorised as aforesaid in the performance of his duty under this Act.

Warden to prescribe
matter if omission
made.
Ibid, sec. 376

408. Wherever by this Act any matter is to be done within a time, or in a mode, or subject to a condition or provision to be prescribed, and no prescription is made by this Act or the regulations thereunder, the Warden, when dealing with each such matter as it arises, may himself make the necessary prescription.

Goldfields Revenue.

Application of gold
revenue.

1876, No. 48, sec. 20
1877, No. 27, sec. 8
1883, No. 35, sec. 20
1885, No. 49, sec. 3
1907, No. 77, sec. 19

409. (1.) All fees, rents, royalties, and other moneys received under this Act or any former Mining Act in respect of Crown lands open for mining (not being moneys received for the sale of land or the leasing of land for agricultural purposes) shall be paid into the Public Account as goldfields revenue.

(2.) All such goldfields revenue shall, subject to any lawful charges connected therewith other than the cost of collection, be paid by the Minister of Finance, in accordance with regulations, to the Council or Board of the county, borough, or town district in which the same was received.

(3.) The Governor in Council may delegate to the Council or Board of any county, borough, or town district all or any of the powers he possesses for collecting such revenues, subject to any conditions and according to any regulations from time to time imposed by Order in Council.

(4.) For the purposes of this section a town district shall be deemed not to form part of the county within which it is geographically situated.

Ibid, sec. 17

(5.) Notwithstanding anything in this section, the Minister of Finance may issue and pay out of the Consolidated Fund all moneys lawfully payable to any Natives under and by virtue of the agreements validated by "The Auckland Goldfields Proclamations Validation Act, 1869," or to any persons lawfully entitled to the lands from which the revenues accrue in virtue of any such payment

Validation.

Validating mining
privileges on land
acquired from
Natives while subject
to lease to Kauri
Timber Company.
1905, No. 39, sec. 377

410. For the purpose of removing possible doubts as to the validity of any mining privilege heretofore granted by the Warden in respect of land that at the time of such grant had been acquired in fee-simple by the Crown from the Native owners thereof, but was held by the Kauri Timber Company (Limited) under lease or license given by the Native owners prior to such acquisition, the following provisions shall apply:—

(a.) In every case where any such mining privilege was granted by the Warden with the concurrence of the aforesaid company, the validity of such mining privilege shall not be in any way questioned or affected by reason merely that at the time of the grant thereof the company's outstanding lease or license had not been actually surrendered, or the land had not been

resumed for mining purposes or notified by the Governor to be available for mining purposes; and in every such case the mining privilege shall be deemed to have been granted in respect of Crown lands open for mining.

- (b.) Sections fifty-nine and sixty of this Act, and the corresponding sections of any former Mining Act, shall be construed subject to this section.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS CONSOLIDATED.

- 1876, No. 48.—“The Financial Arrangements Act, 1876”: Except sections 22 to 25, 27, and 31.
 1877, No. 27.—“The Financial Arrangements Act 1876 Amendment Act, 1877”: Section 8.
 1884, No. 23.—“The Supreme Court Practice and Procedure Amendment Act, 1884”: Section 3, so far as applicable.
 1885, No. 49.—“The Local Bodies' Finance and Powers Act, 1885”: Except sections 7 and 8.
 1905, No. 39.—“The Mining Acts Compilation Act, 1905”: Including “The Mining Act, 1905.”
 1905 No. 53.—“The Public Works Act, 1905”: Section 287.
 1905, No. 55.—“The Mining Act Amendment Act, 1905”: Except section 29.
 1906, No. 47.—“The Mining Act Amendment Act, 1906”: Except section 3.

SECOND SCHEDULE.

CLAIMS THAT MAY BE MARKED OUT AND TAKEN UP.

- | | |
|---|---|
| If the area of the land resumed, ceded, or brought within a mining district does not exceed 5 acres | An ordinary claim. |
| If such area exceeds 5 acres but does not exceed 20 acres | An extended claim or any lesser claim. |
| If such area exceeds 20 acres but does not exceed 50 acres | A special claim not exceeding 30 acres or any lesser claim. |
| If such area exceeds 50 acres | A special claim or any lesser claim. |

Sections 57, 59, 83, 88,
 1905, No. 39, Second
 Schedule.

PERSONS UPON WHOM THE RIGHT TO MARK OUT AND TAKE UP CLAIMS IS CONFERRED; THEIR ORDER OF PRIORITY; AND THE PROVISIONS SUBJECT TO WHICH SUCH RIGHT MAY BE EXERCISED.

1. The persons, or groups of persons, upon whom the right to mark out and take up claims is conferred are—

(a.) The person (hereinafter called “the discoverer”) who, being the holder of a prospecting license in respect of the land, *bona fide* discovers gold thereon, and notifies the Minister in writing of the fact, date, and locality of the discovery, if the land is resumed, ceded, or brought within a mining district in consequence of such discovery and notification:

(b.) The person who is the owner or occupier (hereinafter called “the proprietor”) of the land:

(c.) The person (hereinafter, with all persons in the same group, called “the applicant”) pursuant to whose application and deposit the land is resumed:

Provided that, except in the case of separate proprietors as hereinafter mentioned, no such person or group of persons shall be entitled to mark out and take up more than one claim.

2. The rights of the discoverer, the proprietor, and the applicant to mark out and take up claims shall, as against all other persons, have priority during the whole of the period referred to in paragraph (f) of section 88 of this Act, but shall, as between themselves, be regulated as follows:—

- (a.) During the first half of the said period each separate proprietor shall (subject to the proviso hereinafter contained) have the exclusive right to mark out and take up a claim as aforesaid on such portion (if any) of his land as comprises the site of mining operations which he was *bona fide* carrying on at the time when, as the case may be, the discoverer notified the Minister, or the applicant made his application and deposit, or (in the absence of such notification or application) the land was ceded or resumed or brought within a mining district.
- (b.) Subject to the aforesaid exclusive right of the proprietor, the discoverer shall during the first half of the said period have the exclusive right to mark out and take up a claim as aforesaid on any portion of the land to which his discovery and notification relate.
- (c.) Subject to the aforesaid exclusive rights of the proprietor and the discoverer, the applicant shall, during the first half of the said period, have the exclusive right to mark out and take up a claim as aforesaid on any portion of the land to which his application for resumption relates.
- (d.) During the second half of the said period the rights of the discoverer, the proprietor, and the applicant (if or in so far as such rights have not already been exercised) shall be regulated by the date on which the claims are marked out and taken up :

Provided that the aforesaid exclusive right of the discoverer shall have priority over that of the proprietor in any case where the land was alienated from the Crown on or subsequent to the 29th day of September, 1873, or (if Native land) was alienated from the Native owners thereof to any person other than the Crown on or subsequent to the 30th day of August, 1888.

3. The claims shall be marked out and taken up under the provisions of this Act in like manner as if the land were available for mining purposes.

4. The right to take up a claim shall be deemed to include the right to a license for any other mining privilege to be used for the purpose of facilitating mining operations on such claim, and this Schedule shall be construed accordingly.

5. The Warden shall have jurisdiction to determine all questions and disputes that arise in relation to the exercise of the aforesaid rights.

THIRD SCHEDULE.

Section 103.
1905, No. 39, Third
Schedule.

ALL that block of land in the Land District of Nelson, containing by admeasurement 2,100 acres, more or less, and situated in Blocks I and II, Waitapu Survey District, and Block IV, Aorere Survey District, and bounded as follows: Commencing at a point on the Parapara River intersected by the south-western boundary of Section 192, Takaka; thence by said boundary and the north-western boundary of Section 77, Milnthorpe Suburban, to the western corner of the latter section; thence along the south-western boundary of the said section to the northern corner of Section 122, Square 14; thence along the north-western, south-western, and south-eastern boundaries of Section 122, Square 14, to the southern corner of Section 76, Milnthorpe Suburban; thence along the south-eastern boundaries of Sections 76, 74, 72, and 70, Milnthorpe Suburban, to Trig. AA, at eastern corner of the latter section; thence by a line to the southern corner of Section 69, Milnthorpe Suburban; thence along the south-western boundaries of Sections 68 and 67, Milnthorpe Suburban, to the southern corner of the latter section; thence along the north-western and south-western boundaries of Section 99, Takaka, to southern corner of same; thence along the north-western and south-western boundaries of Section 95, Takaka, to the northern corner of Section 16, Block II, Waitapu Survey District; thence along the north-western and south-western boundaries of that section to the Onekaka River; thence in a south-westerly direction along that river to the southern corner of Section 152, Square 14; thence by a right line bearing due west to the boundary between the Waitapu and Aorere Survey Districts respectively; thence due north along said boundary to its intersection with the south-western boundary of Section 149, Square 14; thence to the western corner of that section; thence by a line bearing 20° west of north to the Parapara River; and thence by that river to the point of commencement: excepting and excluding Section 3, Block IV, Aorere Survey District, which is within the above-described boundaries.

New Zealand.



ANALYSIS.

- | | |
|---|--|
| <p>Title.</p> <ol style="list-style-type: none"> 1. Short Title. 2. Prospecting over endowments or public reserves. 3. Section 87 of principal Act extended. 4. Minerals associated with gold. 5. Surveys of claims. 6. Liens on dredges. 7. Mine-manager to have certificate. 8. Mine-manager's certificate of service. 9. Medical examination not to be required on employment in mine. 10. Destruction of surface of pastoral land. 11. Easement with respect to moving dredges. | <ol style="list-style-type: none"> 12. Miners may appoint check-weighman. Check-weighman not to interrupt the working of the mine. May be removed by Court if he interrupts. Payment of check-weighman. 13. Where persons employed are paid by measure or gauge. 14. Weights and Measures Act to apply. 15. Applications to be disposed of within specified time. 16. Gold-miners' Relief Fund. 17. Transfer of water-race licenses restricted. 18. Section 254 of principal Act amended. 19. Miscellaneous amendments to principal Act. |
|---|--|

1910, No. 78.

AN ACT to amend the Mining Act, 1908.

[3rd December, 1910.]

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Mining Amendment Act, 1910, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

2. Notwithstanding anything in section sixty-seven of the principal Act, prospecting warrants and prospecting licenses may, with the consent of the trustees, be granted in respect of any endowment or public reserve.

Prospecting over endowments or public reserves.

3. Notwithstanding anything to the contrary in section eighty-seven of the principal Act, in the case of an application for a dredging claim comprising portion of a stream which has been previously held as a dredging claim and abandoned, or in the case of an application for a dredging claim where the ground to be dredged is of shallow depth, the Warden may, in his discretion, but subject to the approval of the Minister, grant to the applicant a special dredging claim of any shape but not exceeding eight miles in length or four hundred acres in area.

Section 87 of principal Act extended.

Minerals associated
with gold.

4. Notwithstanding anything in section ninety-six of the principal Act, where gold is associated with other metals or minerals a special claim may be granted, and the holder thereof shall be entitled to all metals or minerals within the boundaries of the claim, and to mine for or remove the same.

Surveys of claims.

5. (1.) Notwithstanding anything in section one hundred and sixty-seven of the principal Act, the Warden may at any time by order direct that the land comprised in any claim, whether granted before or after the passing of this Act, shall be surveyed in the prescribed manner.

(2.) Any such order may direct that the cost or estimated cost of the survey shall be deposited in the Warden's Court by the person on whose application the order is made.

(3.) Every survey so ordered to be made shall be completed within three months after the service of the order on the person required to make the survey, or within such further time as the Warden by the same or any other order directs.

Liens on dredges.

6. The provisions of section two hundred and fourteen of the principal Act shall extend and apply to wages or contract-moneys earned on a dredge while the dredge is on a claim or in course of removal to or from a claim.

Mine-manager
to have certificate.

7. Section two hundred and twenty-eight of the principal Act is hereby repealed, and the following substituted therefor:—

“228. (1.) Every person employed or acting in the capacity of a mine-manager of any mine in which more than twelve men are employed at any one time above ground, or more than six men at any one time below ground, shall be the holder of a mine-manager's certificate under this Act.

“(2.) If such mine is worked from a shaft or inclined plane where winding or pumping machinery is used, such certificate shall be a first-class certificate.

“(3.) If such mine is worked from an adit level where no winding or pumping machinery is used, or if the workings are above ground, such certificate need only be a second-class certificate.

Mine-manager's
certificate of
service.

8. Every person who at the time of the passing of this Act, or during the preceding two years, is or has been in charge for a period of not less than twelve months of a mine employing not less than six men and does not hold a certificate of competency as a mine-manager shall be entitled to a certificate of service of the second class. Application shall be made to the Board of Examiners within twelve months after the passing of this Act, accompanied by a fee of one pound and satisfactory proof that the requirements of this section have been complied with; and the Board is hereby authorized to issue certificates, subject, however, to the applicant being duly recommended by the Inspector of Mines for the district.

Medical
examination not to
be required on
employment in
mine.

9. (1.) It shall not be lawful for the owner or manager of any mine, or for any person in charge of a mine, to require any person who is employed in the mine, or applying to be so employed, to be medically examined or to produce a medical certificate that he is in a good or sound state of health.

(2.) Every person who commits a breach of this section is liable for a first offence to a fine of fifty pounds, and for the second or any subsequent offence to a fine of one hundred pounds.

10. Wardens shall have power when granting any license, either in respect of Crown or private lands, to impose such conditions, terms, or reservations as shall tend to obviate the destruction of the surface of pastoral or agricultural land the subject of the license.

Destruction of
surface of pastoral
land.

11. For the purpose of facilitating the carrying-on of mining operations by means of dredging, the following special provisions shall apply :—

Easement with
respect to moving
dredges.

(a.) The Warden, on application in that behalf, may by certificate of easement grant in respect of any private land within a mining district the right to lay the head-lines and side-lines of a dredge along or over any such land, and to fix the same on such land by any of the means commonly employed in working a dredge for gold-mining.

(b.) The application shall be made, notified, and disposed of in manner prescribed by section one hundred and sixty-five of the principal Act, except that it shall not be necessary to advertise the same unless the Warden so directs.

(c.) The application, if granted, may be granted on such terms and conditions and for such period as the Warden thinks fit, and shall in every case be deemed to be granted subject to the condition that the grantee in acting under the grant shall not interfere with the reasonable and lawful use of such land, except in so far as is reasonably necessary in order to give effect to the grant.

(d.) Every owner and occupier of such land shall be entitled to full compensation for all actual or prospective loss or damage that may be suffered by him by reason of the grant or the exercise by the grantee of the rights thereby conferred on him, and the Warden may order security to be given by deposit of money in Court or otherwise for the payment of such compensation, and on such security being given the grantee shall be entitled to exercise the rights so granted.

(e.) If within one month after the issue of such certificate of easement the amount of the compensation is not agreed on between the parties, the amount of compensation shall be determined, at the option of any person entitled thereto, either by the Warden or by the Warden and assessors in manner provided by section one hundred and thirteen of the principal Act, the provisions whereof shall accordingly apply.

12. (1.) The persons who are employed in a mine to which this Act applies and are paid according to the weight of the material gotten by them may, at their own cost, station a person (in this Act referred to as "a check-weighman") at the place appointed for the weighing of such material in order to take an account of the weight thereof; and if in any mine reasonable facilities are not afforded to him for taking such account, the owner and agent of the mine shall each be guilty of an offence against this Act.

Miners may appoint
check-weighman.

Check-weighman
not to interrupt the
working of the
mine.

(2.) The check-weighman shall not be authorized in any way to impede or interrupt the working of the mine or to interfere with the weighing, but shall be authorized only to take such account as aforesaid, and his absence shall not be a reason for interrupting or delaying such weighing.

May be removed by
Court if he
interrupts.

(3.) If a check-weighman impedes or interrupts the working of the mine, or interferes with the weighing, or otherwise misconducts himself, the owner or agent may complain to the nearest Warden's Court, which, if it thinks fit, may call upon the check-weighman to show cause against his removal.

(4.) The Court shall hear the parties, and, if it thinks that sufficient ground is shown to justify the removal of the check-weighman, may make a summary order for his removal, and he shall thereupon be removed.

(5.) The Court may in every case make such order as to the cost of the proceedings as it thinks just.

Payment of check-
weighman.

(6.) The payment of a check-weighman appointed by the persons employed in a mine shall be a charge upon every miner employed in the mine and getting material by weight in the said mine, and may be recovered from any such miner.

Where persons
employed are paid
by measure or
gauge.

13. If the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of the last preceding section shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

Weights and
Measures Act to
apply.

14. The Weights and Measures Act, 1908, shall apply to the weights and machines used in or at any mine for weighing material; and the Inspector shall, once at least in every six months, without unnecessarily impeding or interrupting the working of the mine, inspect and examine, in manner directed by the said Act, the weighing-machines and weights so used, or the measures or gauges used at or in such mines in lieu of weights.

Applications to be
disposed of within
specified time.

15. All applications for mining privileges shall be finally heard and decided by the Warden within six months after the date of the application, except in cases where under special circumstances the Warden, with the consent of the Minister, extends the time within which an application may be heard.

Gold-miners'
Relief Fund.

16. (1.) In addition to the duty payable under the Gold Duty Act, 1908, on the export of gold, there shall be payable on the export of all gold (whether produced in the North or the South Island) a duty of threepence per ounce troy weight of gold of the fineness of twenty carats and upwards, and so in proportion for any less quantity than an ounce of the fineness aforesaid, and so in proportion on every ounce of a less degree of fineness than twenty carats.

(2.) The duty payable under this section shall be collected and paid in the manner prescribed by the Gold Duty Act, 1908; and the provisions of that Act shall, where applicable, extend and apply to the collection and payment of such duty, irrespective of the locality from which the gold was produced.

(3.) The duty collected under this section shall be paid into the Public Trustee's Account, and shall be placed to the credit of an account to be called the Gold-miners' Relief Fund.

(4.) All moneys from time to time standing to the credit of the Gold-miners' Relief Fund shall be applied by the Public Trustee in accordance with regulations for the relief of miners who are injured while working, and for the relief of the families of miners who are killed or injured while so working.

(5.) Notwithstanding anything in section fifty-five of the Workers' Compensation Act, 1908, any money paid out of the Gold-miners' Relief Fund in respect of the death or injury of any miner shall not be deducted from any compensation payable under the Workers' Compensation Act, 1908, in respect of the accident that caused the death or injury.

17. Except with the consent of the Minister a water-race license shall not be capable of being transferred if by reason of such transfer the transferee would be entitled to the use of more than twenty heads of water from any one watercourse.

Transfer of
water-race licenses
restricted.

18. (1.) Section two hundred and fifty-four of the principal Act is hereby amended by inserting, after paragraph (12), the following paragraph:—

Section 254 of
principal Act
amended.

“(12A.) In every working-shaft by which men have access to or egress from a mine, and which exceeds two hundred feet in length or depth, there shall be provided a cage, which shall be used for the purpose of raising and lowering persons employed in the mine.”

(2.) This section shall come into operation on the first day of October, nineteen hundred and eleven.

19. The principal Act is hereby further amended in manner following:—

Miscellaneous
amendments to
principal Act.

(a.) As to section twenty-eight, by omitting from subsection one the words “and with the written or verbal consent of a majority of the Native owners.”

(b.) As to section eighty-seven, by adding at the end of the first paragraph of subsection one the words “and no applicant or claim-holder shall be granted more than one such claim without the consent of the Minister, unless such further claim is at least one mile distant from any other claim he may hold.”

(c.) As to section ninety-seven, by adding at the end of the section the words “or men employed on contract but not on tribute.”

(d.) As to section ninety-nine, by adding, at the end of subparagraph (ii) of paragraph (b), the words “Provided that if in the case of any claim the Warden is satisfied that on account of climatic conditions work cannot be carried on during at least three months of the year, the rent shall not exceed five shillings per acre for any year.”

(e.) As to section one hundred and four, by inserting, after the words “drainage-area licenses,” the words “current-power licenses.”

(f.) As to section one hundred and five, by omitting from the proviso thereto the word “forty,” and substituting the word “twenty.”

- (g.) As to section one hundred and sixty-seven, by omitting from paragraph (h) the word "may," and substituting the word "shall"; and by inserting in that paragraph, after the words "in the Warden's Court," the words "within thirty days of the date of the application"; and also by omitting from the proviso to paragraph (i) the words "in his discretion," and substituting the words "with the consent of the Minister."
- (h.) As to section one hundred and eighty-five, by omitting the word "twelve" in paragraph (e), and substituting the word "six."
- (i.) As to section two hundred and sixteen, subsection two, by inserting, after the words "amount of the lien," the words "together with such costs, if any, as the Warden allows."
- (j.) As to section two hundred and thirty-three, subsection one, by inserting, after the words "pass such examination," the words "in not more than two subjects."
- (k.) As to section two hundred and thirty-six, by inserting, after the word "employed" in paragraph (a), the words "at any one time above ground, or more than six men at any one time below ground."
- (l.) As to section two hundred and forty-eight, by omitting from subsection one, and also from subsection two, the words "entitled to be."
- (m.) As to section two hundred and fifty-four, paragraph (1), by omitting the words "such appliances" in subparagraph (a), and substituting the words "an adequate jet or spray of water or such other appliances."
- (n.) As to section two hundred and fifty-four, paragraph (3), by omitting the words "three feet directly below or within" and also the word "other" in subparagraph (l).
- (o.) As to section two hundred and fifty-four, paragraph (9), by inserting, after the words "not less," the words "(as required by the Inspector)."
- (p.) As to section two hundred and fifty-four, by inserting, after paragraph (33), the following paragraph:—
 "(33A.) When an engine and boiler are in charge of a certificated engine-driver he shall at all times be in effective charge thereof while the machinery is running or steam is being taken from the boiler for any purpose."
- (q.) As to section two hundred and fifty-four, by inserting, after paragraph (37), the following:—
 "(37A.) Where compressed air is used as the motive power for any machinery, the air-receiver or air-pipe shall have a pressure-gauge so fixed that the engine-driver shall have an uninterrupted view of the pressure-gauge."
- (r.) As to section two hundred and fifty-eight: By omitting from paragraph (a) of subsection one thereof the words "or a duly qualified mining engineer." By adding the following paragraph to subsection one:—
 "(e.) Shall forward to the Inspector, within one month after the abandonment of the mine, a copy or

tracing of such plan with the workings of the mine up to the date of abandonment marked accurately thereon." And by adding the following subsection :—

"(4.) In the case of a mine in which not more than twelve men are employed the Inspector may by notice in writing require the manager or other person in charge of the mine to comply with such of the provisions of this section as are specified in the notice."

(s.) As to section two hundred and sixty-four, by omitting the words "employed therein" in subsection one, and substituting the words "members of the said society"; and by inserting, after the words "they shall" in paragraph (d) of subsection two, the words "within twenty-four hours of the making of the inspection."

(t.) As to section two hundred and sixty-nine, by inserting, after the word "mine-manager" in paragraph (b), the words "or other person for the time being in charge of the mine"; and by inserting, after paragraph (b), the following paragraph :—

"(bl.) Whether personal injury is caused or not, every accident connected with the winding arrangements, and every case of overwinding, shall forthwith be reported in writing to the Inspector by the mine-manager or other person for the time being in charge of the mine."

(u.) As to section two hundred and seventy-one, by omitting paragraph (e), and substituting the following :—

"(e.) The Inspecting Engineer of Mines, or any other officer of the Mines Department who is authorized in writing by the Minister, may at any time enter and inspect any mine."

(v.) As to section three hundred and forty-three, by omitting the words "nearest to," and substituting the words "at the place most convenient of access from."

(w.) As to section three hundred and fifty-six, by omitting the word "pioneer" wherever it occurs.

(x.) As to section three hundred and fifty-eight, subsection two, by omitting paragraph (b).

(y.) As to section three hundred and eighty-seven, by omitting paragraph (a).

(z.) As to section four hundred and nine, subsection five, by inserting after the words "Consolidated Fund" the words "without further appropriation than this Act."

New Zealand.



ANALYSIS.

Title.	
1. Short Title.	6. Section 252 of principal Act amended.
2. Provisions relating to mineral oils and natural gas.	7. Section 264 of principal Act amended.
3. Section 76 of principal Act amended.	8. Section 358 of principal Act amended.
4. Section 105 of principal Act amended. Repeal.	9. Section 16 of Amendment Act, 1910, amended.
5. Warden may grant license to work land being site of water-race.	10. Payments from Gold-miners' Relief Fund to miners suffering from pneumoconiosis.
	11. Leases and licenses of education reserves, &c., for oil-mining.
	12. Taking land for storage, &c., of oil.

1911, No. 32.

AN ACT to amend the Mining Act, 1908.

Title.

[28th October, 1911.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Mining Amendment Act, 1911, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act). Short Title.

2. (1.) The Governor may from time to time, by Order in Council gazetted, declare that any of the provisions of the principal Act shall apply to prospecting and mining for and the storage of petroleum and other mineral oils and of natural gas, and may from time to time define the district within which any such Order in Council shall take effect. Provisions relating to mineral oils and natural gas.

(2.) Compensation shall in no case be payable in respect of the value of any mineral oil or natural gas on or in any land taken under the provisions of the principal Act in respect of which the owners of the land have consented after the passing of this Act to the issue of a mineral-prospecting warrant.

(3.) The Governor may from time to time, by Order in Council gazetted, make regulations for the efficient control of operations in connection with prospecting or mining for and the storage of mineral oils and natural gas, and for the prevention of unnecessary waste of those materials.

(4.) Section four of the principal Act is hereby amended by omitting from the definition of "mineral" the words "and includes petroleum and other mineral oils."

Section 76 of
principal Act
amended.

3. Section seventy-six of the principal Act is hereby amended by inserting immediately before the words "lands specified in the warrant," in subsection one, the words "or other," and by adding to that subsection the following:—

"Provided that no such warrant shall be issued with respect to any land other than Crown land, unless the consent in writing of the owner and lessee (if any) of the land has been obtained and is produced to the Warden or Commissioner."

Section 105 of
principal Act
amended.

4. (1.) Section one hundred and five of the principal Act is hereby amended by omitting the proviso thereto, and substituting the following:—

"Provided that no application to a Warden for a license to take water in a mining district for the use, convenience, or advantage of a district outside the mining district for other than mining operations, or in any case to take more than twenty heads of water, shall be granted except with the consent in writing of the Minister."

Repeal.

(2.) Paragraph (f) of section nineteen of the Mining Amendment Act, 1910, is hereby repealed.

Warden may
grant license to
work land being
site of water-race.

5. Notwithstanding anything in section one hundred and ten of the principal Act, on the application by any person for a license to take up a claim comprising any land occupied by the holder of a water-race license under that section, the Warden may grant that license subject to the payment of such compensation to the occupier and on such other terms and conditions as he thinks fit, and may also authorize the applicant to divert the said water-race on such terms and conditions as he thinks fit.

Section 252 of
principal Act
amended.

6. Section two hundred and fifty-two of the principal Act is hereby amended by adding to paragraph (i) thereof the words "and alter or revoke any regulations for the time being in force relating thereto."

Section 264 of
principal Act
amended.

7. Section two hundred and sixty-four of the principal Act is hereby amended by omitting therefrom the words "and registered under the Industrial Conciliation and Arbitration Act, 1908, as an industrial union of workers."

Section 358 of
principal Act
amended.

8. (1.) Section three hundred and fifty-eight of the principal Act is hereby amended by repealing subsection one thereof, and substituting the following therefor:—

"(1.) Every such application shall be referred by the Minister to a Board consisting of the Director of the Geological Survey, the Inspecting Engineer of the Mines Department, the Inspector of Mines, and the Warden for the district to which the application relates (any three of whom shall form a quorum), and the Board shall as soon as practicable furnish the Minister with a report on the said application."

(2.) The said section three hundred and fifty-eight is hereby further amended by omitting from paragraph (c) of subsection two thereof the words "in the opinion of the Government Geologist or officer making such report," and substituting "in the opinion of the Board."

9. Section sixteen of the Mining Amendment Act, 1910, is hereby amended by inserting, after the words "injured while working" in subsection four, the words "in or about a gold-mine or battery."

Section 16 of
Amendment Act,
1910, amended.

10. (1.) It shall be lawful for the Public Trustee, in accordance with regulations in that behalf, to apply any part of the Gold-miners' Relief Fund for the relief of miners who either before or after the commencement of this Act have been or are incapacitated for work owing to pneumoconiosis contracted while working in a gold-mine in New Zealand, or for the relief of the family of any such miner who has died or who dies either before or after the commencement of this Act.

Payments from
Gold-miners'
Relief Fund
to miners
suffering from
pneumoconiosis.

(2.) "Miner" in this section means any person employed in or about a gold-mine, and includes persons employed in batteries.

11. (1.) At the request of any body in which any land is vested as an education reserve or education endowment the Governor may, on the recommendation of the Warden if in a mining district or of the Commissioner of Crown Lands if not in a mining district, and on such terms as may be stipulated, grant leases or licenses for prospecting or mining for mineral oils or natural gas.

Leases and licenses
of education
reserves, &c., for
oil-mining.

(2.) All rents and royalties arising from any such lease or license shall be paid over to the body in which the land is vested, to be applied in the manner provided by law with respect to the proceeds of the sale or leasing of education endowments.

12. (1.) Where for the purpose of conveying oil, natural gas, or other produce of an oil-well or oil-refinery to any place of storage or for shipment it is desirable to carry any pipe or other work on or over or under any private land, or to take any such land for accommodation-works in connection with the oil well or refinery, the Governor, on the application and at the proper cost and charges of the owner of the well or refinery, may take such land under the Public Works Act, 1908, as for a public work within the meaning of that Act.

Taking land for
storage, &c., of
oil.

(2.) All provisions of the said Act shall apply accordingly for the purpose, but the effect of the Proclamation taking the land shall be to vest the land in the applicant instead of in His Majesty; and all proceedings after the aforesaid Proclamation in respect of compensation and otherwise in respect of complying with the said Act shall be had against the applicant, who shall be deemed to be the respondent, and shall be liable in respect of such taking in the same manner and to the same extent as His Majesty or the Minister of Public Works would be in respect of taking land for a Government work under the said Act.

REGULATIONS UNDER "THE MINING ACT, 1908."

PLUNKET, Governor.

IN exercise of the powers conferred upon him by "The Mining Act, 1908" (hereinafter termed "the said Act"), His Excellency the Governor of the Dominion of New Zealand doth hereby revoke the several regulations specified in the First Schedule hereto, and also any other existing regulations relating to mining which are inconsistent with or repugnant to the regulations hereby made, and in lieu thereof doth hereby make the regulations set forth in the Second Schedule hereto; and doth hereby declare that the regulations thereby made shall come into force on the day of the gazetting hereof.

FIRST SCHEDULE.

Regulations dated 27th January, 1899, 28th June, 1899, 18th June, 1900, 31st August, 1900, 18th May, 1901, 12th May, 1902, 15th March, 1905, 8th February, 1906, and 12th February, 1907; and published in the *New Zealand Gazette*s of 30th January, 1899, 28th June, 1899, 18th June, 1900, 6th September, 1900, 23rd May, 1901, 22nd May, 1902, 23rd March, 1905, 1st March, 1906, 14th February, 1907, and 28th December, 1907, respectively.

SECOND SCHEDULE.

REGULATIONS.

INTERPRETATION.

1. (1.) In these regulations, if not inconsistent with the context, words and expressions shall have the same meaning as in "The Mining Act, 1908" (hereinafter called "the Mining Act").

(2.) In so far as relates to the receiving and disposing of applications for prospecting warrants, prospecting licenses, and mining privileges in respect of water, where the land to which the application relates is situate wholly outside a mining district and is other than Native land, all references in these regulations to the Warden or the Registrar shall be deemed to be references to the Commissioner of Crown Lands of the land district in which the land is situate, and all references to the Receiver shall be deemed to be references to the Receiver of Land Revenue of that land district, and these regulations shall be construed accordingly.

MINERS' RIGHTS.

2. A miner's right that does not extend to Native ceded lands shall be in the form numbered 1 or (in the case of consolidated miners' right) 2 in the First Schedule hereto; and a miner's right that does so extend shall be in the form numbered 3 or (in the case of a consolidated miners' right) 4 in that Schedule, and shall specify the block of Native ceded land to which it extends.

3. Subject to the provisions of the Mining Act relating to Native ceded land, the qualification of a miner's right shall not be necessary in the cases and for the purposes following, that is to say,—

In the Case of	For the Purposes of
(1.) Any officer under the Mining Act	The exercise of his official functions and powers under the Mining Act.
(2.) Any person deriving title to mining privilege by transmission, or by operation of law	His title, and the exercise of his rights thereunder.
(3.) The mortgagee of a mining privilege.	His title as mortgagee, and the exercise of his rights under the mortgage.
(4.) The holder of a license for a mining privilege	The exercise of his rights as such holder, and all applications to the Warden of the Court relating to such mining privilege.
(5.) A workman, contractor, or tributer in respect of a mining privilege	The exercise of his rights, liens, and remedies in respect of money owing to him as such workman, contractor, or tributer.
(6.) An occupier of private land	Commencing any suit for encroachment on or damage to such land.

4. With respect to every person who is by law required to have the qualification of a miner's right, the following provisions shall apply:—

(1.) It shall be his duty to produce the miner's right for inspection whenever requested so to do by the Warden, or any Inspector.

or Receiver, or Registrar, or by any person authorised in that behalf by the Warden.

- (2.) It shall at all times lie on him to prove that he has the necessary qualification by producing the miner's right, or satisfactorily accounting for its non-production.

5. (1.) In every case where the qualification of a miner's right is necessary in order to authorise the doing of any of the things referred to in the Mining Act or in these regulations, and any person does any of those things without having the necessary qualification, he shall acquire no right by virtue or in respect of the thing so done; and, if in any civil proceedings before the Warden or the Warden's Court he fails by reason of not having the necessary qualification, costs shall be given against him:

Provided nevertheless that at any time within twelve months after the thing was so done (whether any proceedings are pending or not) he may acquire the necessary qualification in the manner and subject to the conditions following, that is to say,—

- (a.) He may apply for such and so many antedated miners' rights as would have conferred the necessary qualification if they had been taken out and issued on the antedates specified therein; such antedate being, however, in no case more than twelve months earlier than the actual date on which the antedated miner's right is issued.
- (b.) There shall be payable in respect of each such antedated miner's right the ordinary fee where the date of actual issue is not more than one month later than the antedate, and in any other case a special fee equal to twice the ordinary fee.
- (c.) On payment of the requisite ordinary or special fees the antedated miners' rights shall be issued to him, bearing in each case the date of its actual issue, and also the antedate; and each such miner's right shall, for the purposes of the Mining Act, and any former Mining Act, operate as if it had been actually issued on the antedate:

Provided that it shall not operate to relieve him from any pecuniary penalty for breach of any provision of the Mining Act or the regulations thereunder.

- (d.) If the application for the antedated miner's right is made in the course of the hearing of any civil proceedings, it shall be made to the Warden before the decision in the proceedings is given, and shall not be issued unless the applicant not only pays the requisite ordinary or special fee, but also either pays or gives satisfactory security for the payment of such of the costs and expenses incurred by all other parties to the proceedings up to the time of the actual issue of the antedated

miner's right as will be rendered fruitless by reason of such issue; the amount of such costs to be fixed, if necessary, by the Warden.

- (2.) The foregoing provisions of this clause shall, *mutatis mutandis*, apply in the case of a person who, being the holder of a mining privilege under any former Mining Act, has neglected to take out a miner's right as required by such Act.

As to Issue of Miners' Rights by Postmasters.

6. (1.) Miners' rights (whether ordinary, consolidated, or antedated) may be issued by and the fees therefor may be paid to the Postmaster at any post-office appointed by the Governor for the purpose, and such payments shall be deemed as valid as if made to a Receiver of Gold Revenue.

(2.) Receipts arising from the issue of miners' rights at a post-office shall be entered in the post-office cash-book, and treated as part of the balance due on Post Office Account to be remitted by Sub-Postmasters to Chief Postmasters, and by Chief Postmasters to credit of the Post Office Account, and then to be paid to the Colonial Treasurer as gold-fields revenue.

(3.) Each Postmaster shall enter every payment on a statement-form headed "Receipts under 'The Mining Act, 1908.'" The name of the person to whom a miner's right is issued, together with his address, and the number and description on the miner's right so issued, shall be entered in the body of the form.

(4.) A copy of each statement, containing the foregoing particulars, shall be made forthwith and transmitted by the Postmaster who prepares the same to the nearest Receiver of Gold Revenue.

PROSPECTING.

Prospecting Warrants and Licenses.

7. The application for a prospecting warrant or prospecting license may be in such one of the forms numbered 5 to 8 in the First Schedule hereto as is applicable; and the warrant or license may be in such one of the forms numbered 9 to 14 in that Schedule as is applicable.

8. In the case of a prospecting license, the applicant shall mark out the ground in the same manner as in the case of a claim.

9. In the case of prospecting warrants or licenses relating to Native land, the following provisions shall apply:—

- (1.) The applicant shall transmit the application to the Minister at Wellington, and at the same time shall forward to him £3 in the case of a warrant, and £5 in the case of a license, to abide the disposal of the application, and to be applied in or towards payment of license fee, survey fees, advertising, and other expenses connected with the application, and shall for the same purpose forward

to the Minister such further sums as and when the Minister requests.

- (2.) The Minister shall, on behalf of the Governor, cause the application to be notified, inquired into, and dealt with as he thinks fit, and for that purpose he may authorise any Warden, Commissioner of Crown Lands, or other fit person to hear the same and all or any objections thereto.

- (3.) For the purposes of the last preceding sub-clause hereof the person authorised as aforesaid shall have all the powers and jurisdiction of a Warden, save that in lieu of deciding the application himself he shall report thereon to the Minister.

10. In the case of prospecting warrants or licenses relating to other than Native land, the application shall be dealt with under such of the provisions of section 165 of the Mining Act, and the regulations relating thereto, as are applicable.

11. With respect to the renewal of tunnel prospecting licenses, the following provisions shall apply:—

- (1.) The licensee desiring the renewal shall, not more than two months nor less than one month before the expiry of the current term, make application for the renewal to the Governor in the case of Native land, or the Warden in the case of other than Native land.
- (2.) The application may be in the form numbered 44 in the First Schedule hereto, with all necessary modifications.
- (3.) The renewal shall not be granted unless the Governor in the case of Native land, or the Warden in the case of other than Native land, is satisfied that all the conditions of the license have been faithfully fulfilled by the licensee during the term next preceding the term of the renewal.
- (4.) If the renewal is granted it shall be effected by indorsing on the license the words "Renewed for one year from the day of , 19 ," being the date of the expiry of the previous term, under the hand of the Minister on behalf of the Governor in the case of Native land, or under that of the Warden in the case of other than Native land.

12. Every prospecting license, or renewal of a tunnel prospecting license, shall, before the issue thereof, be transmitted to the Registrar, who shall register the same, and then issue the same to the person entitled thereto, upon being satisfied that the license or renewal fee, and all survey fees and advertising and other expenses, have been duly paid, and all bonds (if any) duly completed and filed in Court.

13. A prospecting warrant shall, whilst it continues in force, confer upon the holder thereof the same non-exclusive right of prospecting on the land

to which it relates as by section 68 of the Mining Act the holder of a miner's right possesses in respect of Crown land; but, as in the case of a miner's right, so also in the case of a prospecting warrant, the mere fact of his being the holder thereof shall not confer upon him any rights as against any person who takes up a claim on the land, or acquires a license for any other mining privilege in respect thereof: Provided that nothing herein contained shall apply to a mineral prospecting warrant.

14. The priority of right which by subsection (k) of section 72 of the Mining Act is conferred upon the holder of a prospecting license shall be exercisable in the manner and subject to the conditions following, that is to say,—

- (1.) The holder or any other person may at any time apply for a license for any mining privilege in respect of the whole or any portion of the land comprised in the prospecting license, and the Warden, if and when he grants the application, shall cancel the prospecting license:

Provided that, if the mining privilege is in respect of less than the whole of the land comprised in the prospecting license, the Warden, in lieu of cancelling the prospecting license altogether, may in his discretion cancel it merely as to so much of the land as is comprised in such mining privilege.

- (2.) If the application for the mining privilege is made by any other person than the holder of the prospecting license, the application shall not be granted unless the Warden is satisfied that the holder has been notified thereof, and does not object thereto, or, if objecting thereto, has not, within ten days after receipt of such notification, himself made application.
- (3.) If such last-mentioned application is made it shall have priority.

Mineral Prospecting Warrants and Mineral Leases.

15. *Rent under Mineral Prospecting Warrants.*—The rent payable under a mineral prospecting warrant shall be 1d. an acre per annum for the first two years, 2d. for the third year, 3d. for the fourth year, and 6d. for the fifth year.

16. *Rent under Mineral Leases.*—The rent payable under a mineral lease granted under section 80 of the Mining Act shall be 2s. 6d. an acre or part of an acre per annum; but, should the prescribed royalty exceed the amount of rent in any one year, such rent shall for that year cease.

17. *Royalty under Mineral Leases.*—The royalty payable under a mineral lease shall be one twenty-fifth of the value of the mineral at the pit's mouth, and such value shall be fixed before a lease is issued.

18. *Labour under Mineral Prospecting Warrants.*—Within three months after the issue of a mineral

prospecting warrant the holder shall keep employed upon or in connection with the area comprised in the warrant at least two workmen for every area of 500 acres or under, and one additional workman for every 250 acres or part thereof in excess of 1,000 acres.

19. *Reports and Statements of Expenditure to be furnished.*—The holder of a mineral prospecting warrant shall every six months transmit to the Mining Registrar, at the Warden's office from which the warrant was issued, a statement, verified by statutory declaration, of the amount expended during the preceding six months under the mineral prospecting warrant, together with a short report of the nature of the prospecting operations during the same period. All such statements and reports shall be filed by the Registrar.

20. *Labour under Mineral Leases.*—The lessee shall, within six months after the date of the mineral lease, commence and thereafter during the term of the lease continually prosecute mining operations on the demised land for the specified mineral, and for that purpose shall at all times during the first two years of the term keep employed upon or in connection with the demised land and his said mining operations thereon at least one workman for every full area of 50 acres or less therein contained, and thereafter during the term at least two workmen for every such area, provided as follows:—

- (a.) For the purpose of compliance with the aforesaid labour conditions there shall be included all work done in the construction or erection of machinery or in preparations indispensable to the actual commencement of mining operations.
- (b.) To the extent of one-half of the number of workmen which should otherwise be employed the expenditure of capital shall be equivalent to the employment of workmen in the proportion of one man for every £1,000 of capital which shall be expended by the lessee in plant or permanent works for the purpose of mining for the specified mineral.

21. *Refunds of Deposits.*—Refunds of the amount deposited by an applicant for a mineral prospecting warrant or mineral lease shall from time to time be made in sums of not less than £50 on the certificate of an Inspector of Mines that at least £100 has been expended in prospecting the lands comprised in the mineral prospecting warrant or the development and working of the lands comprised in the mineral lease, as the case may be, for every £50 applied for as a refund.

22. Should gold be discovered within the area comprised in either a mineral prospecting warrant or a mineral lease, the discoverer shall, if the land is within a mining district, have the prior right to take up a special claim under the provisions of the Mining Act, but if the land is not within a mining district the locality must be brought under the

operations of the Mining Act, when the discoverer will have a prior right to take up a special claim.

23. Should any mineral other than the mineral specified in a mineral prospecting warrant or mineral lease be discovered, the discoverer shall, on giving an undertaking in writing that he will not interfere with the operations of the holder of the original warrant, have the right to acquire a warrant to prospect for the mineral he may have discovered upon the same terms and conditions as are prescribed for the original warrant, and at the end of the term of the second warrant the holder shall have the prior right to acquire a mineral license to the extent and under the conditions prescribed by section 102 of the Mining Act.

CLAIMS.

Classes and Subdivisions.

24. Claims are divided into the following classes, according to size:—

- (1.) Ordinary claims.
- (2.) Extended claims.
- (3.) Special claims.

25. Each class of claims is subdivided as follows, according to the nature of the ground and of the operations:—

- (1.) Alluvial claims: meaning thereby claims worked in alluvial ground, not being dredging or river claims as hereinafter defined.
- (2.) Dredging claims: meaning thereby claims worked by means of dredges.
- (3.) River claims: meaning thereby claims worked in the beds or on the banks of watercourses, not being alluvial or dredging claims as hereinbefore defined.
- (4.) Quartz claims: meaning thereby claims worked on quartz or other reefs, or cement or other deposits, by means of crushing, roasting, or chemical process.
- (5.) Sea-beach claims: meaning thereby claims on the sea-beach and extending seawards.

Form, Area, and Dimensions.

26. Subject to the specific provisions hereinafter contained relating to specific claims, the form of every claim shall as far as practicable be four-sided, each side being as far as practicable measured in a straight line, and no one side exceeding twice the length of any other side:

Provided that, within the limits prescribed by section 87 of the Mining Act, the form and dimensions as specified by this clause may be varied to such extent as, having regard to the circumstances of the case, the Warden thinks reasonable.

27. Subject to the provisions of section 87 of the Mining Act, the area of alluvial claims shall not exceed—

- (1.) For an ordinary claim, 1 acre if held under license, and 10,000 square feet if held otherwise than under license.

(2.) For an extended claim, 5 acres.

(3.) For a special claim, 100 acres.

28. The form of dredging or river claims may have relation to the course of the stream in or on the bed or bank of which they are worked, and with respect to such claims the following provisions shall apply :—

(1.) For an ordinary claim the area shall not exceed 1 acre, and not more than 3 chains of the course of the stream shall be comprised therein.

(2.) For an extended claim the area shall not exceed 5 acres, and not more than 15 chains of the course of the stream shall be comprised therein.

(3.) For a special claim the area shall not exceed 100 acres, and not more than three miles of the course of the stream shall be comprised therein.

(4.) The course of the stream shall in each case be measured along the centre of the bed of the stream.

29. With respect to the area and dimensions of quartz claims, the following provisions shall apply :—

(1.) For an ordinary claim the area shall not exceed 1 acre, and not more than 200 ft. of the length of any supposed reef shall be comprised therein.

(2.) For an extended claim the area shall not exceed 5 acres, and not more than 500 ft. of the length of any supposed reef shall be comprised therein.

(3.) For a special claim the area shall not exceed 100 acres.

30. With respect to the area, form, and dimensions of sea-beach claims, the following provisions shall apply :—

(1.) The claim shall be bounded on the shoreward side by a straight line parallel, as near as may be, to the mean frontage-line of the shore at high-water mark, within the boundaries, but at no point distant more than 500 ft. above high-water mark; and on the seaward side by straight lines at right angles to the shoreward line, and extending seawards.

(2.) For an ordinary claim the area shall not exceed 1 acre, and the length of frontage to the shore at high-water mark shall not exceed 200 ft.

(3.) For an extended claim the area shall not exceed 5 acres, and the length of frontage to the shore at high-water mark shall not exceed 500 ft.

(4.) For a special claim the area shall not exceed 100 acres, and the length of frontage to the shore at high-water mark shall not exceed one mile.

31. The foregoing provisions as to forms, areas, and dimensions of claims shall apply for the purpose of taking up the claims; but, whatever the class or subdivision under which a claim is taken up, it shall,

for the purposes of the labour conditions, be deemed to be a dredging claim whilst being worked by a dredge.

MARKING-OUT OF CLAIMS AND OTHER MINING PRIVILEGES.

32. The marking-out of a claim or other mining privilege by the person who desires and is qualified to take up the same shall be done by marking out the same at the boundaries of the land in manner following :—

(1.) At every angle or corner of each boundary-line, or as near thereto as is practicable, there shall be erected pegs of substantial material, standing not less than 2 ft. above the surface of the ground, and being not less than 3 in. square, or, in the case of a round peg, being not less than 3 in. in diameter.

(2.) If pegs are not available, there may be used in lieu thereof cairns of stones or mounds of earth, having in each case a height of not less than 2 ft., and a diameter at the base of not less than 18 in.

(3.) The direction of the boundary-line on each side of each peg shall be indicated with reasonable clearness by a trench, having a length of at least 5 ft. along the boundary-line on each side of the peg, and a depth and breadth of at least 6 in.:

Provided that, if trenches cannot conveniently be cut, the direction of the boundary-line may be indicated by substantially fixed finger-posts, or by tree-blazing, or in any other manner reasonably sufficient for the purpose.

(4.) The pegs, cairns, or mounds shall bear or have affixed thereto some one distinguishing mark.

(5.) In the case of a sea-beach claim, it shall not be necessary to mark it out below high-water mark.

(6.) In the case of a dredging or river claim which comprises any portion of the bed of a stream, the boundaries of the claim shall extend to both banks of the stream as existing at the time when the claim was marked out, unless the Warden otherwise authorises.

(7.) When the boundary of the mining privilege is on the bank or in the bed of a water-course, then, in so far as it is not practicable to mark such boundary by means of pegs, cairns, mounds, tree-blazing, or trenches, it shall be sufficient if in lieu thereof arrow-headed marks (thus, \wedge) are cut or clearly indicated upon trees, rocks, or other fixed natural objects above high-flood mark at every corner or angle of each boundary-line, or as

- near thereto as practicable, each such arrow-headed mark being not less than 1 ft. in length, and each of the lines composing it being not less than 2 in. broad.
- (8.) In addition to such arrow-headed marks, there shall also be cut or clearly indicated at every corner or angle of each boundary-line the distinguishing mark.
 - (9.) In every case where it is not practicable to mark out the boundary on the actual boundary-lines, the marks actually used shall indicate with approximate correctness the situation of the actual boundary-lines, and their distance from such marks.
 - (10.) In the case of a race it shall be sufficient if it is marked out, not at the boundaries, but at the starting-point, the terminal point, and at intervals of not more than 500 yards along the proposed course of the race, and also (in the case of a water-race) at each point of intake.
 - (11.) In the case of a tunnel it shall be sufficient if it is marked out, not at the boundaries, but at the starting and terminal points.
 - (12.) In the case of a tramway or road it shall be sufficient if it is marked out, not at the boundaries, but at the starting and terminal points, and also at intervals of not more than 500 yards along the proposed course of the tramway or road.
 - (13.) The marking-out shall in every case be maintained until the mining privilege is duly taken up, or the application therefor is finally disposed of.

APPLICATIONS IN RESPECT OF MINING PRIVILEGES.

33. For the purposes of section 165 of the Mining Act, but subject to the specific provisions elsewhere contained in that Act or these regulations with respect to specific applications, the following general rules, in so far as they are applicable, shall be observed with respect to every application to the Warden under that section :—

- (1.) The application may be made in such one of the forms numbered 15 to 26 in the First Schedule hereto as is applicable, or, if none of those forms is applicable, then in such form as the Warden prescribes or authorises, and shall be filed by or on behalf of the applicant in the office of the Registrar during office hours as defined in clause 120 of these regulations.
- (2.) An application for a certificate of protection or for absolute surrender may include all the mining privileges that are held and worked together by the applicant, and an application for amalgamation of claims may include all the claims to be amalgamated into one claim ; but in every other case the application shall relate only to one mining privilege.
- (3.) The application may be transmitted to the Registrar's office by post or otherwise, and, in the event of its reaching his office after office hours, the time of filing shall be deemed to be the hour when the office is next open for business.
- (4.) If the application is for a claim or other mining privilege requiring to be marked out, it shall be marked out before the application is filed ; and unless this rule is complied with the application shall be deemed to be void.
- (5.) The application shall in every case contain an address for service, which shall be in the same district as the office in which the application is filed, and all notices to be served on the applicant shall be deemed to be validly served if served at such address.
- (6.) When filing the application there shall also be lodged with the Registrar by or on behalf of the applicant such number of duplicate originals thereof, being in no case less than two nor more than five, as the Registrar requests or the Warden prescribes.
- (7.) The sums to be lodged with the Receiver under subsection (b) of section 165 of the Mining Act, to abide the disposal of the application, shall, according to the nature of the application, be the sums set forth in the Second Schedule hereto, or, in so far as that Schedule does not apply, then such sums as the Warden or the Receiver directs :
Provided that, in every case where it appears to the Warden or Receiver that the sums so lodged are insufficient, the applicant shall forthwith, after demand in writing by the Receiver, lodge such further sum as is specified in the demand ; and if such demand is not complied with the Warden may either postpone or dismiss the application upon such terms as to costs and otherwise as he thinks fit.
- (8.) The Warden, before disposing of the application, shall satisfy himself that the sums lodged as aforesaid are sufficient to pay all fees and other charges in respect whereof the lodgment has been made, and they shall be applied in payment thereof accordingly, and the surplus (if any) shall be returned to the person entitled thereto.
- (9.) As soon as practicable after the filing of the application and the lodging of the duplicate originals, the Registrar shall minute thereon the time and place of hearing appointed by the Warden (such time being not less than the sixteenth day after the day of the filing of the application), and, for public information, shall affix one of the duplicates, or an abstract

of its subject-matter, in a conspicuous place outside the Courthouse where the application is to be heard.

- (10.) In every case where the application is for the grant of a special claim comprising more than 20 acres, or of a water-race authorising the diversion of more than ten heads of water, or of a main tail-race, the Warden shall, and in any other case he may in his discretion, but in every case at the applicant's expense, publicly notify the minuted application by advertising a copy thereof not less than twice in one or more newspapers printed and published in or nearest to the locality of the land to which the application relates, or of the Courthouse where the application is to be heard.
- (11.) On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall notify every person who to his knowledge is in occupation of the land, or any part of the land, comprised in the application, or has any estate or interest therein, or any interest which will be obviously affected by the grant of the application, by posting to him at his last known place of business or abode a registered letter containing a copy of the minuted application or of the advertisement thereof, or by delivering such copy to him personally.
- (12.) On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall post up on the ground, in some conspicuous position, a duplicate original of the minuted application, and shall there maintain the same until the day appointed for the hearing.
- (13.) Such duplicate original shall be posted up and maintained as aforesaid—
 - (a.) In the case of a water-race, at each point of intake, and also at the terminal point;
 - (b.) In the case of a tail-race, a road, or a tramway, at the starting and terminal points;
 - (c.) In the case of a tunnel, at the starting-point.
- (14.) If any person desires to object to the application he shall, by himself, his solicitor, or registered agent, not later than three days before the time appointed for the hearing, give notice thereof by filing in the Registrar's office a notice in the form numbered 27 in the First Schedule hereto, and by serving on the applicant a duplicate original of such notice.
- (15.) Such notice shall in every case contain an address for service, which shall be in the same district as the office in which the notice is filed, and all notices to be served

on the objector shall be deemed to be validly served if served at such address.

- (16.) At any stage of the proceedings the Warden may require the applicant to furnish a sketch-plan of the land to which the application relates, and also may allow the application to be amended in any particular upon such terms as to notices, adjournment, costs, and otherwise as he thinks fit.
- (17.) If any case where, in respect of any application or objection, the foregoing provisions relating to the time or mode of giving, posting up, maintaining, or serving any notice are not duly complied with, the Warden, if satisfied that such non-compliance is not wilful, may in his discretion waive the same, or extend the time, upon such terms as to notices, adjournment, costs, and otherwise as he thinks fit.
- (18.) If the applicant does not desire to appear, the declaration referred to in subsection (7) of section 165 of the Mining Act may be in the form numbered 28 in the First Schedule hereto.
- (19.) All applications shall be numbered consecutively by the Registrar according to the order of time in which they are filed, and he shall record them in the same order and with the same numbers in a book to be called the "Application Record-book."
- (20.) If the application is for a license for a mining privilege, the license may be in such one of the forms numbered 29 to 38 in the First Schedule hereto as is applicable, or, if none of those forms be applicable, then in such form as the Warden prescribes or authorises:

Provided that in no case shall the license be for more than one mining privilege.
- (21.) If the application is for a license for a mining privilege, and the land applied for exceeds the maximum area that may lawfully be held, the following provisions shall apply :—
 - (a.) At any time before the license is granted, or, if the license has been granted, then at any time before proceedings for forfeiture are instituted, the applicant or licensee, with the consent of the Warden, and upon such terms as to costs, adjournment, remarking, and otherwise as the Warden thinks fit, may discard the area in excess.
 - (b.) If the area in excess is discarded as aforesaid, then the application, or, if the license has been issued, then the license and the register, shall be duly rectified as the Warden directs for the purpose of eliminating the discarded area.

- (22.) For the purpose of hearing and disposing of the application the Warden shall sit alone, and the practice and procedure of the Warden's Court relating to hearings before the Warden and Assessors shall not apply.
- (23.) The appointment and notification by the Warden as to the time and place for the hearing of any application, or for the holding of any preliminary inquiry, may be made by him in such manner as he thinks fit, either generally with respect to all cases in a given Courthouse or specifically with respect to specific cases, and may in like manner be made by the Registrar acting under the general instructions of the Warden.

SURVEYS.

34. Regulations for the time being in force relating to block and section surveys, made under "The Surveyors' Institute and Board of Examiners Act, 1908," shall be deemed to be incorporated herewith, and shall be read and construed, *mutatis mutandis*, as though they formed part of these regulations, but shall be construed subject to these regulations.

35. Before disposing of any application the Warden in his discretion may order the land to which the application relates to be surveyed, notwithstanding that the area does not exceed 20 acres.

36. In every case where the land to which the application relates is to be surveyed, the surveyor appointed to make the survey shall with all practicable despatch proceed as follows:—

- (1.) He shall duly and carefully survey the ground, and, after making all necessary inquiries, shall furnish to the Chief Surveyor for approval by him or the Chief Draughtsman, and transmission to the Warden, a plan of the ground, together with a report as to—

(a.) Its areas, boundaries, description, and character;

(b.) The likelihood of any watercourse or artificial reservoir within the boundaries being required for, or the feasibility of the same being applied to, public purposes or the use of miners generally for gold-mining purposes;

(c.) The cases in which and the extent to which any mining privilege lawfully held by any other person than the applicant is likely to be affected by the grant of the application;

(d.) Any objections of a public nature to the granting of the application which are disclosed by the survey; and

(e.) Any other circumstances which, in the opinion of the surveyor, should be reported to the Warden to enable him properly to deal with the application.

- (2.) The approval of the aforesaid plan and report shall be signified by memo. in writing thereon under the hand of the Chief Surveyor or Chief Draughtsman.

- (3.) With the aforesaid plan and report the surveyor shall also furnish to the Chief Surveyor for transmission to the Warden a tracing of so much of the general map of the district as will connect the land with at least one trigonometrical station, or, in the absence of such station, then with some fixed point.

37. The following general rules shall apply with respect to surveys:—

- (1.) If the land to be surveyed affects or includes any mining privilege, private holding, building, race, or other area, whether held or occupied under the Mining Act or otherwise, the same must be shown by the surveyor on the plan, and full particulars relating thereto (including acreages) must, as far as practicable, be given in the surveyor's report to the Warden. It shall be the surveyor's duty to make careful inquiries respecting all claims to prior occupancy, and, if possible, to furnish the names of such occupants or claimants; but in computing the acreage of the land surveyed it shall not be his duty to deduct therefrom the acreage of any land to which any such claim to prior occupancy relates.

- (2.) Every survey must be connected with a fixed and clearly indicated survey mark already established, such as the corner of a section, the angle of a road, a trigonometrical station, or the corner of a mining claim already surveyed. But whenever, in forest lands, a trigonometrical station is within a quarter of a mile of the mining area under survey, connection with it must be made in preference.

- (3.) If a former survey is taken as a common boundary, it shall be the surveyor's duty to ascertain that the lines on the ground conform to the recorded bearings and dimensions of that survey. If correct it may be adopted as data for the survey in hand; and, if not, the discrepancy disclosed must be reported to the Chief Surveyor when forwarding plan of survey for his approval.

- (4.) In the survey of claims every boundary shall be cut throughout, and every corner shall be marked on the ground by trenches, as described in the regulations of the Surveyors' Board incorporated herewith; but in forest lands the trenches may be cut for a length of 3 ft. only.

- (5.) All previously surveyed mining areas or allotments that may adjoin or be within

- 5 chains of the land under survey must be shown on the plan, together with the tie-lines used to determine their position.
- (6.) In all cases the actual boundary-lines of the land surveyed must be measured by the surveyor, unless there be insuperable obstacles in the way. In such cases the course adopted in ascertaining the distance across or through the obstacle, and in prolonging the boundary-line, must be clearly shown on the plan.
- (7.) When the boundaries are found to interfere with any existing mining privilege or other survey, the intersections must be carefully fixed and shown on the plan; and such other distances must be given as will admit of the relative positions of the different surveys being shown accurately on the district mining plans, and also allow of the exact area being calculated, should it be considered necessary by the Warden to excise any part from the land applied for.
- (8.) The surveyor's plan shall show the boundaries as marked out by the applicant, and the position of the pegs or other marks used in the marking-out.
- (9.) On every angle or corner peg used by the surveyor in surveying the land there shall be distinctly cut or burnt the applicant's distinguishing mark, together with, in the cases following, the initial letters of the mining privilege, that is to say: S.C. for a special claim, E.C. for an extended claim, S.S. for a special site, W.R. for a water-race, T.R. for a tail-race, and M.L. for a mineral license.
- (10.) The traverses in forest lands, required to ascertain the position of the corner-posts put into the ground by the applicants before the actual boundary-lines can be cut, should be altogether avoided, but, if absolutely necessary, must be as few as possible. Tabulations of these, as well as of the block boundaries, observed and measured, showing closures and connections, are to be furnished to the Chief Surveyor, together with the plan.
- (11.) In surveying water-race areas the surveyor is expected to furnish a plan showing the levels and size of the race.
- (12.) Care should be taken to show on the plan and note in the report those parts of the race which pass through sold lands, cultivations, areas held under the Land and Mining Acts, and the points where the race intersects other races, roads, tracks, tramways, or any other mining area, or any public or private land, however held, should be clearly defined.
- (13.) The boundaries and areas to be covered by the water-surface and embankment of a dam should be drawn on plan, as well as all leased or sold lands, cultivations, or any other mining area or other land, however held, which the dam, if filled, would interfere with.
- (14.) In the case of surveys of underground workings, which have to be carried out under the supervision of the Survey Department, special instructions will be issued in each case.
- (15.) The surveyor's plan shall be drawn to the following scale:—
- | | Chains to
an Inch. |
|---|-----------------------|
| Claims or blocks containing 9 acres and under | 2 |
| Claims or blocks from 5 up to 30 acres .. | 5 |
| Claims or blocks from 30 acres upwards .. | 10 |
| Races under two miles in length .. | 5 |
| Races from two miles to five miles in length | 10 |
| Races over five miles in length .. | 20 |
| Reservoirs under 2 acres in extent .. | 2 |
| Reservoirs from 2 acres to 20 acres in extent | 5 |
| Reservoirs from 20 acres upwards in extent | 10 |
- (16.) If the scale of 10 chains to an inch for plans of claims or blocks exceeding 30 acres in area be found too small to properly indicate any buildings or other improvements that are on the ground, the 5-chain scale must be used, or enlargements made to show them plainly.
- (17.) Topographical features, such as mountains, spurs, gorges, rivers, creeks, lagoons, waterfalls, roads, tracks, or other physical features of or affecting the land surveyed, must be shown in full on all mining survey-plans.
- (18.) The surveys of mining claims or blocks must be plotted on sheets prepared by the Department, to which the requisite surveyor's certificate is attached. These forms will be sold to any surveyor on application to the Chief Surveyor or to the Mining Registrar of the district. Other mining surveys may be plotted on antiquarian or double-elephant paper of a size of not less than 18 in. square.
- (19.) The surveyor will be held responsible for the accuracy of the certificate attached to his plan; and if, on receipt of an official plan from a surveyor, it shall be found deficient in any necessary information, and if the omission be considered to be the result of a want of proper care on the part of the surveyor, he will be called upon to supply the deficiency at his own cost.
- (20.) No surveyor shall employ more than two field-parties in the field, unless licensed surveyors are placed in charge of such field-parties.
- (21.) The survey fees shall, in the case of each survey, be payable according to the following scale:—
- (a.) Not exceeding 30 acres, 4s. per acre, but not less than £5; except in

the case of extended claims, as herein-after provided.

(b.) Exceeding 30 acres and up to 50 acres, 3s. 6d. per acre, but not less than £6.

(c.) Exceeding 50 acres and up to 100 acres, 3s. per acre, but not less than £8 15s.

(d.) Exceeding 100 acres and up to 200 acres, 2s. 6d. per acre, but not less than £15.

(e.) Extended claims, £2 10s. each.

(f.) Travelling-expenses from surveyor's residence, 3s. per mile extra by the cheapest practicable route, one way, provided that such of the travelling-expenses as are incurred for the purposes of two or more surveys shall be equitably apportioned amongst them, and the full scale of travelling-expenses shall, in the case of each such survey, be proportionately reduced.

(g.) Bush-cutting, 2s. 6d. per chain extra.

(h.) Underground surveys, encroachments, water-races, or other surveys to which the foregoing rates do not apply shall be paid for as follows: Surveyor's fee, £2 for the first day or part of a day, and £1 10s. for each subsequent day or part of a day; labour extra; mileage as above.

(i.) The cost of putting plans on license forms—viz., 3s. 6d. the set—is included in above fees, and when this is done by the Government that amount will be deducted from final payment.

(j.) Where necessary to reduce size of claims, &c., after survey, the cost on above scale must be deposited before survey is made or license issued.

- (22.) The costs and charges of the survey shall not be payable until the Chief Surveyor furnishes to the Receiver a certificate that the work charged for has been satisfactorily done.
- (23.) Such certificate shall state whether the surveyor who did the work did so as an officer of the Government Survey staff or as a private surveyor.
- (24.) The costs and charges, when ascertained and payable, shall, in the case of an officer of the Government Survey staff, be paid into the Public Account as part of the Consolidated Fund, and, in the case of a private surveyor, be payable as a debt due to him.
- (25.) The moneys deposited with the Receiver in respect of the costs and charges of the survey shall, on the order of the Warden, be applied by the Receiver in manner aforesaid, and the surplus (if any) shall on the like order be paid by the Receiver to the person entitled thereto

(26.) In the case of a private surveyor the Receiver, if the Warden so authorises, may, out of the moneys deposited as aforesaid, make to the surveyor progress-payments as the work proceeds: Provided that in no case shall such progress-payments exceed half the value of the work done, as certified by the Chief Surveyor.

RACES AND OTHER MINING PRIVILEGES IN RESPECT OF WATER.

Tail-races.

38. It shall be lawful for the Warden from time to time, by order in writing, to authorise any person or persons lawfully engaged in mining operations to use or enlarge for the purpose of such operations any tail-race held by any other person (excepting such portion thereof as may lawfully be used as a ground-sludge for saving gold), subject to the conditions following:—

- (1.) That the person in whose favour the order is made pays to the holder of the tail-race a proportionate share of the original cost of the construction of such tail-race, or a periodical payment in advance as a rent for the use thereof; and also,
- (2.) That if it is proposed to enlarge such tail-race such enlargement shall be at the sole expense of the person in whose favour the order is made, and shall be so carried out as not to unduly interfere with the mining operations of the holder of the tail-race; and also,
- (3.) Such other conditions as the Warden thinks equitable.

39. (1.) Where an order pursuant to the foregoing regulations has been made, the person in whose favour it is made shall at all times, on receiving notice in writing from the holder of the tail-race, forthwith assist in clearing the race whenever it is reasonably necessary so to do, and if any such person makes default in so assisting it shall be competent for the holder of the race to clear the same and to recover from the person in default his proportionate share of the cost thereof.

(2.) The proportionate share of the cost of construction, the amount of the rent, the proportionate share of the cost of clearing the race, and any dispute between the parties in respect of the premises shall, if not settled by the parties, be determined by the Warden and two Assessors.

(3.) All gold discharged into such tail-race shall belong to the parties in shares to be settled by them, or, in case of dispute, to be determined by the Warden and two Assessors.

Main Tail-races.

40. The application for a main tail-race shall specify the persons by whom and the terms upon which the race is to be used; and at any time during the currency of the license the Warden, on application in that behalf, may by order authorise any other person to use the race, upon such terms as to payment for user, contribution for maintenance, owner-

ship of gold, and otherwise, as are agreed on between the parties, or, failing agreement, as are determined by the Warden and two Assessors.

Dams.

41. (1.) Before granting any application for a dam the Warden may order the site thereof to be inspected and reported on by any duly qualified surveyor or engineer, and may order the surveyor or engineer to draw up plans and specifications of the dam, which the Warden, if he thinks fit so to do, may submit to the Inspecting Engineer of the Mines Department for his report thereon.

(2.) After receiving such last-mentioned report, the Warden may from time to time make such orders concerning the construction of the dam as he thinks fit, and it shall be the duty of the licensee of the dam to comply therewith.

42. The cost of such inspection and reports, and of preparing such plans and specifications, shall be borne by such persons and in such proportions as the Warden may order.

43. The Warden may, either before or after granting any application for a dam, specify a distance therefrom within which mining or other specified operations shall not be carried on, and may also from time to time vary such specification, on application of either the holder of the dam or any other person *bona fide* carrying on or proposing to carry on mining or other operations in proximity to the dam.

44. On the application of any person or local authority likely to suffer damage or injury by the unfitness, disrepair, or weakness of any dam, the Warden may order the same to be inspected by any duly qualified engineer or surveyor, and, after hearing the holder of the dam and all parties interested, may make such order for the repair or strengthening of the dam, or otherwise, and upon such terms as to costs and otherwise (including the expenses of the inspector) as he thinks fit.

General.

45. Where any race is so constructed as to cross any stream from which the holder of the race has no right or license to divert water, and such construction might prejudicially affect the rights of any person, the race shall be well and efficiently constructed either under or over such stream so as not to interfere with the free flow of all the water naturally pertaining thereto, and flowing past the point of intersection.

46. In respect of water-race licenses, the priority of right to water shall, as between licensees diverting water out of the same watercourse, be counted from the precise time and date of marking-out of the same, which shall in all cases be recorded in the register and on the license: Provided that this clause shall not operate to affect the priority existing in the case of a water-race license granted under the Mining Act in exchange of title under any former Mining Act.

47. (1.) Every water-race license shall have specified therein every point of intake, and no licensee of a water-race shall, without the written order of the Warden (to be applied for as provided in Regula-

tion 33 hereof), alter any point of intake, or use for diverting the water any other race than the race specified in the license.

(2.) Before granting such application the Warden may require all the water which, if it were not diverted, would naturally flow in the watercourse between the said races or points of intake to be gauged for the purpose of determining as nearly as may be the extent to which the volume is increased from natural causes between such races or points of intake, and may require the applicant to surrender as many heads of water as are equal to such increase of volume.

48. The licensee of a water-race shall at all times maintain the race in such condition and with such capacity as to carry the number of sluice-heads authorised to be diverted.

49. The licensee of any mining privilege in respect of water shall not allow any water which he is entitled to divert to run to waste, but, on the contrary, such water shall be *bona fide* taken, diverted, and used in terms of the license, and not otherwise.

50. (1.) Every licensee entitled to divert water from a watercourse shall place a gauge-box in his race within seven days after receiving a written notice so to do from any other licensee entitled to divert water from such watercourse. Where there is only one point of intake the gauge-box shall be placed immediately below such point, but where there are several points of intake the gauge-box shall be placed immediately below the last of such points.

(2.) Water may be gauged in manner described in the Third Schedule hereto.

TRAMWAYS.

51. (1.) In every case where the proposed course of a tramway crosses or runs along a road or street, the provisions of sections 204 and 205 of the Mining Act shall apply.

(2.) The holder of a license for a tramway shall not be entitled to carry on the tramway passengers or goods for hire except at such scale of fares and freight, and subject to such provisions for the safety of life and property, as have been submitted to and approved by the Minister.

(3.) The license for a tramway shall in every case be deemed to be granted subject to the condition that the licensee will, at his own cost, from time to time provide, and at all times thereafter maintain to the satisfaction of the Warden, a sufficient crossing-place over the line of the tramway at every point in its route where, in the opinion of the Warden, a crossing-place is reasonably required for public or private convenience.

LEASES IN MINING TOWNSHIPS UNDER SECTION 43 OF THE MINING ACT.

52. (1.) Any holder of a miner's right may apply to the Warden for a lease of the surface of any land in any mining township.

(2.) Every application for a lease shall be made in writing to the Warden, in the form numbered 100 in the Ninth Schedule hereto, and shall contain a statement of the situation of the land and the area applied for, the number of the section if the land is a

surveyed section, and the purposes for which the same is to be used.

(3.) The Warden shall have power to grant a lease of the surface of any such land as aforesaid under these regulations, notwithstanding that the land applied for may be held as a claim under the Mining Act.

(4.) If the land applied for is not a surveyed section, or only part of a surveyed section, the application shall be accompanied by a deposit of £3 to cover the expenses of surveying the same, and after the application has been finally dealt with there shall be refunded to the applicant any unexpended or unrequired balance remaining of the said deposit. Should, however, the survey cost more than the amount deposited, the applicant must pay the difference before a lease is issued to him.

(5.) The Warden, or the Mining Registrar, shall appoint a day for hearing the said application, such day to be not less than one month after the filing of the application.

(6.) On the day on which the application is filed, or as soon thereafter as is practicable, the applicant shall serve a copy of the application, showing thereon the date appointed for hearing the application, upon all adjoining owners or occupiers, and upon all persons whose interests may be obviously affected by the same.

(7.) Any person desiring to object to the granting of any lease shall, not later than forty-eight hours before the day appointed for hearing the application, give notice thereof by filing in the Registrar's office a notice in writing of the nature of such objection, and shall serve on the applicant a duplicate original of such notice; and no person shall be entitled to appear and object unless he has duly given such notice, save any person to whom the Warden, at the hearing of the application, directs that notice be given. Such notice of objection shall in every case contain an address for service which shall be in the same district as the office in which the notice is filed, and all notices to be served on the objector shall be deemed to be validly served if served at such address.

(8.) After hearing the application and all objections thereto, the Warden may either refuse the same, or, with the consent of the Minister first obtained, grant a lease.

(9.) All applications for leases and all objections thereto now pending shall be heard and determined by the Warden, and shall have priority over all other applications for the same land as though such applications and objections had been made under these regulations.

(10.) The Warden shall have power to allow costs to or against any objector.

(11.) No lease shall be granted over any land upon which any mining operations are carried on, or over which any mining right or title exists, unless or until the holder of such mining right or title consents to such lease.

(12.) Every lease shall be for the surface of the land only, and no lease shall entitle the lessee to mine for gold upon the land leased, or to extract, dig, or search for any metals or minerals therein or thereon.

(13.) No lessee shall have any claim for compensation for any damage done, or which may be caused by or arise from mining operations legitimately carried on beneath the surface of the ground, and leases shall contain such special covenants relating to mining as may be deemed necessary by the Warden; nor where the land granted is situated upon a mining privilege shall the lessee have any claim for compensation for any injury or damage done to the said land by reason of mining operations lawfully carried on by the holder of the mining privilege on land adjoining, provided such injury or damage is not caused by any negligence or want of care on the part of such holder.

(14.) The rental for lands leased under these regulations shall be 10s. per annum for each section for business purposes, and 5s. per annum for each section for residence or other purposes, and where the land is not surveyed into sections shall be at the rate of £1 per acre or fractional part of an acre.

(15.) No transfer or assignment of, or any other dealing with, any lease shall be lawful without the consent of the Warden, and every such transfer, assignment, or other dealing shall be registered at the Warden's office in the same manner as transfers, assignments, and other dealings with mining privileges under the principal Act, and the sum of 2s. 6d. shall be paid for each such registration; but where the instrument of transfer, assignment, or other dealing includes more than one lease, there shall be paid for each additional title the sum of 1s.

(16.) Leases may be in the form numbered 101 in the Ninth Schedule hereto, and all expenses in connection with the preparation of leases shall be borne and paid by the lessee.

(17.) Applications for renewal of leases heretofore granted by the Governor under any repealed Act, or under the principal Act, shall be made in the same manner as applications for new leases, except that the notices required to be served under subclause 7 of this regulation need not be given and served.

(18.) The same fees shall be payable on all applications for leases or renewal of leases and objections thereto as are payable on applications for and objections to mining privileges.

(19.) These regulations shall not apply to Native ceded lands.

LICENSES UNDER SECTION 44 OF THE MINING ACT.

53. (1.) Township and suburban lands shall be laid off by the District Surveyor in accordance with the regulations or instructions for the time being in force of the Department of Lands and Survey.

(2.) Subject to the provisions of section 46 of the Mining Act, the area of the several sections shall be determined by the Warden on report thereon to him by the District Surveyor.

(3.) The application for a license may be in the form numbered 102 in the Ninth Schedule hereto, and the license may be in the form numbered 103 in that Schedule.

(4.) Clause 33 of these regulations shall apply to every such application and license so far as is applicable.

LEASES OF TOWNSHIP AND SUBURBAN LANDS UNDER
SECTION 45 OF THE MINING ACT.

54. (1.) Leases of township and suburban sections under section 45 of the Mining Act shall be submitted to public auction, subject to the following conditions:—

- (a.) The highest bidder shall be the purchaser of the lease, and the amount bid shall be the annual rental thereof.
 - (b.) The bidding shall be an increase on the advertised upset rental.
 - (c.) The purchaser shall forthwith deposit with the Receiver of Gold Revenue the sum of £2 2s. for the cost of survey and preparation of the lease, and also one-half of the first year's rent, being the amount of his bid.
 - (d.) If the purchaser of the lease fails to comply with the last preceding condition, or if any dispute arises, the lease shall be put up again and resold.
 - (e.) The lease shall be executed by the purchaser within thirty days from the date of notice that it is ready for execution, or the right to lease shall become forfeited, and any deposit paid on account thereof shall also be forfeited.
 - (f.) No person shall, unless with the consent of the Warden, be allowed to purchase or hold a lease of more than one section; and if any lease is knocked down to any person who has already leased a section such sale shall be void, and the lease shall be again put up to auction.
 - (g.) For the purposes of the last preceding paragraph a husband and wife shall be deemed to be one person, unless lawfully living apart under a decree of judicial separation or protection order.
- (2.) The amount deposited in respect of the cost of survey and preparation of the lease shall be paid by the Receiver into the Public Account.
- (3.) The lease may be in the form numbered 104 in the Ninth Schedule hereto, or as near thereto as circumstances will admit, and with such modifications and additional terms and restrictions as the Governor in the case of each lease thinks fit to impose, and may be signed by the Warden for and on behalf of His Majesty.
- (4.) The lease shall be subject to all the provisions of the Mining Act, and its amendments and regulations thereunder, relating to the forfeiture and abandonment of residence-sites and to the recovery of rent in arrear, and such provisions shall be deemed to be incorporated herein and to form part of the conditions of the lease.
- (5.) Not less than thirty days' notice of the conditions of sale and of any special terms and conditions intended to be inserted in each lease shall be given by advertisement.
- (6.) Where an auction of township or suburban sections is held and any lot remains unsold, a lease thereof may at any time within two years from the date of the auction be granted, with the approval of

the Warden, to any qualified applicant, at the upset rental named at such auction.

(7.) The section leased shall, within twelve months from the date of the lease, be substantially fenced.

(8.) At the expiration of the term of the lease the section shall, unless required by the Crown, be again put up for auction, but weighted with the value of the buildings and other improvements then existing thereon, ascertained by valuation under section 40 of the Mining Act; but in no case shall any right of valuation exist as against the Crown.

MISCELLANEOUS MINING PRIVILEGES.

55. In addition to the mining privileges specifically provided for by the Mining Act licenses may be granted for mining privileges of any of the following descriptions:—

- (1.) Branch races, for the distribution of water already diverted by means of a race;
- (2.) Flood-races and by-washes, for the carrying-off of flood or surplus water;
- (3.) Diversion of streams;
- (4.) Tunnels, roads, and bridges; and
- (5.) Such other descriptions of mining privileges in respect of water or land as the Warden thinks necessary for facilitating mining operations or effectuating the purposes of the Mining Act.

56. The terms and conditions upon which the aforesaid licenses may be granted, and shall be deemed to be held, shall in every case include such terms and conditions, not inconsistent with the Mining Act and these regulations, as the Warden thinks fit to impose when granting the license; and, in the case of a road or bridge, the license therefor shall be deemed to be granted subject to the condition that the licensee shall not be entitled to the exclusive use of the road or bridge, but the same shall be open to the full and free use of the public:

Provided that where the licensee has expended money in forming or maintaining the road or bridge, and the holder of any other mining privilege uses the same for the purpose of obtaining ingress to or egress from such mining privilege, every such holder shall be liable to pay to the licensee a reasonable proportion of such expenditure, and, if the parties concerned cannot agree as to the amount of such proportion, the same shall be determined by the Warden and two Assessors on the application of any of the parties in like manner and subject to the like provisions as in the case of a claim for compensation.

SURRENDER OF MINING PRIVILEGES, WHETHER
ABSOLUTELY OR FOR PURPOSES OF EXCHANGE
OF TITLE OR AMALGAMATION OF CLAIMS.

57. With respect to the surrender of mining privileges, whether absolutely or for purposes of exchange of title or amalgamation of claims, the following provisions shall apply:—

- (1.) The application need not be publicly notified by advertisement nor posted on the mining privilege unless the Warden otherwise directs.

(2.) Where the surrender is for purposes of exchange of title or amalgamation of claims, the consent of the Minister, under subsection (y) of section 165 of the Mining Act, to the license for the corresponding mining privilege or the amalgamated claim shall be necessary in the cases therein mentioned.

(3.) The license for the corresponding mining privilege or amalgamated claim shall be in the ordinary form, with the addition of a memorandum to be noted or indorsed on the license under the hand of the Warden and the seal of the Court, specifying—

(a.) The fact that the license is issued in exchange for a surrendered mining privilege, or, as the case may be, in amalgamation of surrendered claims, and the name, description, and registered number of the surrendered privilege or claims;

(b.) The priorities, encumbrances, liens, and interests referred to in subsection (h) of section 155 of the Mining Act;

(c.) Such other particulars as the Warden thinks fit.

(4.) Such memorandum may be in such one of the forms numbered 39 or 40 in the First Schedule hereto as is applicable.

(5.) The instrument of title to every surrendered mining privilege shall be delivered up to the Warden, who shall note or indorse thereon, under his hand and the seal of the Court, a minute of the surrender in the form numbered 41 in the First Schedule hereto:

Provided that, if the instrument of title has been lost, the Warden, upon satisfactory proof of loss, may dispense with its production, and in such case the minute of surrender may be by separate instrument in the form numbered 42 in the First Schedule hereto.

(6.) The minute of surrender shall be registered and filed by the Registrar.

(7.) The declaration of loss may be in the form numbered 43 in the First Schedule hereto.

58. Before granting the application for amalgamation of claims, the Warden shall be satisfied that there has been expended in mining operations on each of the claims not less than £10.

RENEWAL OF LICENSES FOR MINING PRIVILEGES.

59. Subject, in the case of tunnel prospecting licenses, to the provisions of clause II of these regulations, the following provisions shall apply with respect to the renewal of licenses for mining privileges:—

(1.) The application for the renewal may be in the form numbered 44 in the First Schedule hereto, and shall be filed in the office of the Registrar within not more than two months nor less than one month before the expiration of the cur-

rent term by effluxion of time, but need not be notified or advertised.

(2.) The renewal shall be effected by indorsement on the original license.

LABOUR CONDITIONS.

Prescribed Number of Workmen.

60. For the purposes of section 97 of the Mining Act the number of workmen to be employed by the holder of a claim in mining operations shall be in the proportion of not less than one workman for every complete 6 acres of the area of the claim during the first year, computed from the date on which by that section the operations are required to be commenced; one workman for every complete 4 acres during the second such year; and one workman for every complete 3 acres thereafter:

Provided that at no time shall the number so employed be less than one in the case of an ordinary or extended claim, and two in the case of a special claim:

Provided further that, in the case of a claim the title whereof is surrendered for purposes of exchange or amalgamation, the minimum number to be employed shall be computed from the date on which the claim was originally taken up.

61. In every case where the holder of a claim alleges that, under subsections (b), (c), or (f) of section 98 of the Mining Act, he is entitled to employ less than the prescribed minimum number of workmen, it shall lie on him to establish the facts to the Warden's satisfaction, and for that purpose he shall, in addition to other evidence, furnish such sworn returns as to workmen employed, capital expended, and otherwise as the Warden thinks necessary.

62. In the case of a mineral license the licensee shall, within two months after the date of the license, commence, and thereafter during the term of the license continually prosecute, mining operations on the land the subject of the license for the specified metals or minerals to which the license relates, and for that purpose shall, except as aforesaid, at all times during the first two years of the term keep employed upon or in connection with the said land at least one workman for every full area of 50 acres, or less, therein contained, and thereafter during the term at least two workmen for every such area:

Provided that the Warden may from time to time modify the operation of this clause to such extent as he deems equitable, such modification being, however, in every instance made within the same limits and subject to the same conditions, *mutatis mutandis*, as in the case of a claim.

Certificates of Reduction.

63. The application, under section 97 of the Mining Act, for authority to employ less than the prescribed minimum number of workmen may be in the form numbered 24 in the First Schedule hereto, and with respect to the application the following provisions shall apply:—

(1.) The application need not be publicly notified by advertisement nor posted on the mining privilege unless the Warden otherwise directs.

(2.) The application may be granted in whole or in part, as the Warden thinks fit, and, if granted, shall be granted by certificate of reduction in the form numbered 45 in the First Schedule hereto.

(3.) The certificate shall be registered in the same manner as in the case of a certificate of protection.

64. When disposing of any application for a certificate of reduction, the Warden, for the purpose of determining the extent to which the prescribed number of workmen should be reduced, and the period for which the reduction should be granted, shall not confine himself to merely temporary exigencies, but shall have regard to all the circumstances fairly affecting the matter, including the following considerations :—

- (1.) In the case of a claim to be worked by hydraulic sluicing, the nature and extent of the claimholders' water-supply, the cost of procuring it, and the date when it will be fully available ;
- (2.) In every case, the number of workmen that can be reasonably and advantageously employed, having regard to the nature and extent of the ground and the extent of the water-supply ; and
- (3.) The extent, if any, to which the proposed reduction, or the period for which it may be granted, would lock up ground that otherwise might be reasonably and advantageously worked.

PROTECTION OF MINING PRIVILEGES.

Certificates of Protection.

65. The application for protection of mining privileges under section 160 of the Mining Act may be in the form numbered 25 in the First Schedule hereto, and, if granted, shall be granted by certificate of protection in the form numbered 46 in the First Schedule hereto.

As to Statutory Protection of Mining Privileges.

66. The provisions of section 162 of the Mining Act relating to protection without application shall apply only within the Middle Island or Stewart Island, and in cases only where the land is situate at an altitude of not less than 3,000 ft. above the sea-level ; and the period of protection shall in every case be the period from the first day of May to the thirty-first day of October (inclusive) in each year :

Provided that the Warden may from time to time prescribe such lower altitude (being in no case less than 2,000 ft.) and such shorter period (between the aforesaid dates) as he thinks fit, having regard to the locality of the land and the normal snow-level. Such prescription may be either generally as to any specified locality or specifically as to any specific mining privileges, and may be made either of his own motion or on summary application, and shall be deemed to be sufficiently notified by publication in the *Gazette*.

CERTIFICATES OF EASEMENT.

67. The application for a certificate of easement under section 200 of the Mining Act may be in the form numbered 26 in the First Schedule hereto, and with respect thereto the following provisions shall apply :—

- (1.) The application need not be publicly notified by advertisement.
- (2.) Subject as last aforesaid, the application shall be made and disposed of under Regulation 33.
- (3.) The certificate of easement may be in the form numbered 47 in the First Schedule hereto.
- (4.) The certificate of easement shall be deemed to be appurtenant to the mining privilege for facilitating whose mining operations the certificate is granted, and accordingly the certificate shall not be transferable apart from such privilege, and upon the expiry or other determination of the term of such privilege the certificate shall *ipso facto* become void.
- (5.) The Warden may, by certificate of easement, grant to any person, being the holder of a claim, the right to connect with and use any shaft, tunnel, or drive on any other person's mining privilege :

Provided that if such shaft, tunnel, or drive existed on such mining privilege when it was taken up no compensation shall be payable by the grantee for or on account of the cost of construction.

REGISTRATION OF MINING PRIVILEGES AND OF INSTRUMENTS AFFECTING THE SAME.

Register, and Registration Office.

68. (1.) The register shall be in the form numbered 18 in the First Schedule hereto.

(2.) The register may be divided into parts as follows :—Part I : Claims. Part II : Water-rights. Part III : Business-site licenses. Part IV : Residence-site licenses. Part V : Special-site licenses. Part VI : Mineral licenses. Part VII : Miscellaneous. And registrations may be effected accordingly, nevertheless without affecting the numerical sequence of the instruments registered.

69. Every register existing at the time of the coming into operation of the Mining Act shall so continue, and in every case where, in any new register opened under the Mining Act, any registration relates to any mining privilege, or interest therein, already registered in such existing register, the Registrar shall, by note on the allotted folium of the new register, give such reference to the registration in the said existing register as will afford reasonable facilities for search.

70. (1.) The office of registration of a mining privilege granted under the Mining Act shall be the office of the Registrar to whom the same is transmitted by the Warden for registration and issue, as provided by section 173 of the Mining Act.

(2.) The office of the Registrar shall in every case be the office of the Warden's Court.

(3.) In the case of mining privileges granted by the Warden prior to the coming into operation of the Mining Act, but not then registered, the office of registration shall be the office of the Registrar at the Courthouse where the same was granted.

(4.) The office of registration of every ordinary claim held otherwise than under license shall be the office fixed by the Warden for the registration of such claims in the locality in which the claim is situate.

(5.) The office of registration of every transfer or other instrument affecting any mining privilege shall be the office where the mining privilege itself is registered.

71. The registration of an instrument shall not be deemed to be invalid by reason merely of being effected in the wrong office, unless the Warden is satisfied that it has resulted in deceiving any person and thereby actually prejudicing his rights.

Mode of Registration of Instruments.

72. In the case of each register all instruments shall be registered in the order in which they are deposited with the Registrar for registration, and shall be numbered consecutively in the register, commencing with the number 1.

73. For the purpose of the last preceding clause hereof, an application under clauses 77 or 78 of these regulations shall be deemed to be an instrument.

74. In every case the instrument registered, or a duplicate original or certified copy thereof, shall be retained and filed as a record by the Registrar, and for that purpose the instrument deposited for registration shall be accompanied by such duplicate original or certified copy.

75. (1.) The registration of an instrument shall be effected by entering in the register on an allotted folium thereof the particulars specified in the aforesaid form numbered 48, or such of them as are applicable, and also by indorsing on the instrument and on the filed duplicate or copy a memorial under the hand of the Registrar setting forth the registered number of the instrument, the office of registration, and the precise time of registration (being the date and hour at which the instrument was deposited with the Registrar for registration).

(2.) Such memorial shall, without proof of the Registrar's signature, be received in all Courts as evidence that such instrument has been duly registered.

76. If the instrument deposited for registration is a transfer of a mining privilege, or of any interest therein, then in the former case the license (if any), and in the latter case the document of title to such interest, shall be produced to the Registrar, who when registering such instrument shall, provided all arrears of rent have been paid, indorse on such license or document a memorial under his hand setting forth the registered number of such instrument, its nature (*e.g.*, "Transfer by way of sale," "Mortgage," or as the case may be), the office of registration, the names of the parties, and the precise time of registration.

Special as to Mining Privileges held otherwise than under License.

77. With respect to the registration of mining privileges held otherwise than under license, whether acquired under the Mining Act or any former Mining Act, the following special provisions shall apply:—

(1.) The holder who desires to register such mining privilege shall deposit with the Registrar an application in that behalf in the form numbered 49 in the First Schedule hereto.

(2.) If after inquiry the Registrar is satisfied as to the facts, he shall register the mining privilege in manner hereinafter provided; but if he is not so satisfied he shall refer the application to the Warden, who shall decide the matter after making such investigation as he thinks necessary.

(3.) Registration shall be effected in manner prescribed by clause 75 of these regulations:

Provided that the therein-mentioned memorial shall be indorsed on the application, which shall be retained and filed by the Registrar; and also that the precise time of the registration shall be the date and hour at which the application was deposited.

(4.) Having registered the mining privilege, the Registrar shall issue to the applicant a certificate of registration in the form numbered 50 in the First Schedule hereto.

(5.) The provisions of clause 76 of these regulations, relating to the production of a license for the purpose of indorsing thereon a memorial of every registered transfer of the mining privilege to which the license relates, or of any interest therein, shall, *mutatis mutandis*, apply to every certificate of registration, whether issued under the Mining Act or any former Mining Act.

(6.) In the event of the holder of the mining privilege applying for and obtaining the grant of a license therefor, he shall deliver up the certificate of registration to the Registrar, who, before issuing the license, shall file the certificate, and note thereon, as also in the register, the fact that the certificate has been superseded by the license.

(7.) Priority shall in all cases date from the time of registration.

Special as to Liens on Mining Privileges.

78. With respect to liens on mining privileges, and the registration and discharge thereof, the following special provisions shall apply:—

(1.) The licensee who desires to register his lien in the Warden's Court, as prescribed by sections 214 or 299 of the Mining Act, shall deposit with the Registrar an application in that behalf in the form numbered 51 in the First Schedule hereto.

- (2.) The registration of the lien shall be effected by entering in the register, on the folium allotted to each registered mining privilege to which the lien relates, or, in the case of an unregistered mining privilege on an allotted folium, the word "Lien," together with the registered number, the precise time of registration (being the date and hour at which the application was deposited), and the following particulars as appearing in the application—that is to say: The name of the lienee, the capacity in which he claims (*e.g.*, wages-man, subcontractor, contractor, or partner), the amount of the lien, and, in the case of an unregistered mining privilege, the name and situation of such privilege, and the name of the holder thereof.
- (3.) The Registrar shall also file the application and indorse thereon, under his hand, a memorial of the registration of the lien, the office of registration, and its registration number as appearing in the register.
- (4.) The notice of the registration of the lien to be posted by the Clerk by registered letter to the holder of the mining privileges affected thereby may be in the form numbered 52 in the First Schedule hereto.
- (5.) The discharge of a lien may be effected either by—
- (i.) An instrument of discharge in the form numbered 53 in the First Schedule hereto; or
 - (ii.) As prescribed in clause 2 of section 216 of "The Mining Act, 1908."
- (6.) If the discharge is effected by payment into Court the Registrar shall note on the instrument of discharge particulars of payment and date of same, and, if discharged by the filing of the workman's receipt, such receipt shall be attached to the said instrument.
- (7.) The instrument of discharge shall be registered in every case where the lien itself has been registered.

General as to Registration.

79. No instrument shall be deposited with the Registrar for registration, nor shall any application for registration be deposited with him, except at his office, being in every case the office of the Court, and during office hours as defined in clause 120 of these regulations.

80. No Registrar shall register any mining privilege or lien, or any instrument purporting to transfer or to in any way deal with or affect any mining privilege, except in manner provided by the Mining Act and these regulations.

81. No Registrar shall register any instrument liable to stamp duty unless the instrument purports to have been duly stamped, but in no case shall any registration be invalidated by reason of any error in this respect.

82. In any case where any mistake is made by the Registrar in any entry in the register, or in any memorial, he shall rectify the same by a new entry or memorial in such form as may be convenient, specifying the day and hour of the rectification, but not erasing or obliterating the erroneous entry or memorial, and shall give notice of such rectification by registered letter to all persons affected thereby; and for the purpose of such rectification he may require any person to produce any document in his possession for such rectification to be noted thereon.

83. Upon payment of the fee of 6d. per folio of ninety words or any part thereof, the Registrar shall furnish to any person applying for the same a certified copy of any registered instrument; and every document purporting to be certified under the hand of the Registrar and the seal of the Court as a certified copy of a registered instrument shall, without proof of his signature, be received in evidence for all purposes for which the original instrument might be put in evidence.

84. There shall be payable in respect of the registration of any instrument a fee of 1s. for each separate registration entry in the register, and in respect of searches of the register a fee of 1s. in respect of the first title to which the search relates, and 6d. for every additional search made at the same time.

85. The register may be searched as aforesaid at any time during office hours.

Index-books.

86. In addition to, but separate from, his register, the Registrar shall keep a numerical index-book, a nominal index-book, and a water-rights index-book.

87. The numerical index-book shall be in the form numbered 54 in the First Schedule hereto, and shall contain, in numerical order of registration as appearing in the register, the specified particulars of all registrations effected after the coming into operation of the Mining Act.

88. The nominal index-book shall be in the form numbered 55 in the First Schedule hereto, and shall contain, in alphabetical order of surnames of grantors or transferors, as appearing in the register, the specified particulars of all registrations effected after the coming into operation of the Mining Act:

Provided that in any case where, in respect of any registration, the number of grantors or transferors exceeds one, it shall be sufficient if the nominal index-book contains the name first appearing in the register, together with the words "and another," or "and others," as the case may be.

89. The water-rights index-book shall be in the form numbered 56 in the First Schedule hereto, and shall contain the specified particulars of all water-rights registered before or after the coming into operation of the Mining Act in respect of each specified stream in the district.

90. The index-books shall be compiled from the register, and any person entitled to search the register shall, without further fee, be entitled to search the index-books.

GENERAL PROVISIONS AS TO MINING PRIVILEGES.

21. Except where express provision is made to the contrary, the terms, conditions, reservations, and provisions subject to which every mining privilege shall be deemed to be granted and shall be held shall in every case include the following:—

- (1.) Every officer or person acting in the administration of this Act, or authorised by the Minister, the Warden, or an Inspector, shall at all times have full and free right of ingress, egress, and regress in respect of the land comprised in such mining privilege, and the mines and mining-works thereon.
- (2.) If default for thirty days is made in the full and punctual payment of any rent, royalty, license fee, or other money payable to His Majesty in respect of any mining privilege, the Warden or any person authorised by him may at any time thereafter, without any previous or other notice or demand, enter on such land, mines, and works, or any of them, and distrain all or any machinery, tools, goods, chattels, and other effects of the licensee there found (excepting nevertheless tools of trade and other personal effects to the total value of £25), and may sell the same in such manner, at such prices, and on such conditions in all respects as he thinks fit. Licensee in this clause shall mean and include any person (whether registered or not) having any legal or equitable interest in the mining privilege.
- (3.) Such sale may be effected either on the land or elsewhere, and to that end the effects distrained may be removed.
- (4.) Not less than five days' previous notice of the time and place of sale shall be given by advertisement in a newspaper printed and published in or nearest to the locality in which the land is situate.
- (5.) All moneys received in respect of such sale shall be applied in or towards payment—first, of the costs and expenses of the distraint, removal, and sale, such costs to be fixed and assessed by the Warden in case of dispute; secondly, in or towards payment of the rent, royalty license fee, or other money in respect whereof the distraint was made; and the surplus, if any, shall be payable to the licensee, or other the person entitled thereto.
- (6.) The foregoing right of distraint, removal, and sale may be exercised irrespective of and without prejudice to any other right, remedy, or power conferred by the Mining Act in respect of the non-payment of rent, royalty, license fee, or other moneys payable to His Majesty under the license.
- (7.) The holder of a mining privilege shall not as such holder—

(a.) Have any riparian rights in respect of any watercourse on or adjoining the land comprised in the mining privilege; nor

(b.) Have any right or remedy whatsoever against any person in respect of the discharge of tailings, *débris*, or waste water into any watercourse by such person in the lawfully carrying-on of his mining operations; nor

(c.) Have any right or remedy whatsoever which would prevent any person from freely using for the purpose of transit any natural waterway on or adjoining the mining privilege, but so nevertheless that such user does not unduly interfere with any mining operations lawfully carried on in the waterway by the holder of the mining privilege, and also that where such operations are carried on by means of a dredge, and such user cannot conveniently be exercised without removing the dredge or its moorings, the holder of the mining privilege shall remove the same with all reasonable diligence, and at his own cost in all things; nor

(d.) Have any right or remedy whatsoever which would prevent any person from freely using for purpose of ingress, egress, or regress, with or without horse and vehicles, at all reasonable hours, such portion of the surface of the land comprised in the mining privilege (not being a residence-site or a business-site) as is not being actually occupied by the holder of the mining privilege as a site for his plant, buildings, or mining-works, or as is not being actually used by him for his mining operations:

Provided that nothing in this paragraph shall authorise any person to loiter about or interfere with such plant, buildings, works, or operations, or shall relieve him from liability for any damage actually done by him whilst on the land.

(8.) The fact of rent being payable under a license shall not be deemed to confer upon the licensee any estate in the land comprised in the license.

(9.) Licenses for mining privileges, not entitling the licensee to win gold, metals, or minerals from the land comprised therein, may be granted by the Warden in respect of so much of the surface or subsoil of the land comprised in any mining privilege entitling the holder to win gold, metals, or minerals therefrom as in the Warden's opinion is not required by such holder for the purposes of his mining operations, or the reasonable exercise of his other rights as such holder:

Provided that the license shall be granted subject to such conditions as the Warden thinks fit to impose in order to prevent such mining operations or the

reasonable exercise of such rights being unduly hampered or interfered with by the licensee in acting under the license, and shall in every case be deemed to be granted subject to the condition that, in the event of the surface being at any time required by such holder for the purposes of his mining operations, he may, with the previous authority in writing of the Warden, enter upon and use the same or any specified portion thereof, or the subsoil thereof, upon such terms and conditions as the Warden thinks fit, and upon paying or making provision for the payment of full compensation to such licensee for all damage thereby caused to his buildings, improvements, or mining-works on the land.

- (10.) Licenses for mining privileges entitling the licensee to win gold, metals, or minerals from the land comprised therein may be granted by the Warden in respect of land held as mining privileges not entitling the holder to win gold, metals, or minerals from the land comprised therein :

Provided that the license shall be granted subject to such conditions as the Warden thinks fit to impose in order to prevent such holder being unduly hampered or interfered with in the reasonable exercise of his rights as such holder, and shall in every case be deemed to be granted subject to the following conditions :—

(a.) That, except with the previous authority in writing of the Warden, and upon paying or making satisfactory provision for the payment of full compensation to such holder for all damage thereby caused to the surface of the land, or to such holder's buildings, improvements, or mining-works on the land, the licensee will not, in acting under the license, enter upon or disturb the surface of the land or carry on mining operations within such distance of the surface as the Warden prescribes ; and also

(b.) That such holder shall be entitled to receive full compensation from such licensee for all damage done to the surface of the land, or to such holder's buildings, improvements, and mining-works thereon, by the licensee in acting under the license.

- (11.) In every case where, pursuant to subsection (c) of section 212 of the Mining Act, any person ceases to have any right or title to the therein-mentioned improvements, such improvements, if on private land, shall follow the title to such land, and if on other than private land shall be deemed to belong to His Majesty, but in the latter case may, whilst existing on the land, be used by any person who takes up a mining privilege on the land :

Provided that such user shall be only for the purposes of such mining privilege.

92. Except where authorised by or under the Mining Act, or the regulations thereunder, or the order of the Warden, no person shall—

- (1.) Deposit any earth, stones, tailings, or other substance in the bed of any watercourse so as to obstruct the flow of water therein to the injury of any other person ; nor
- (2.) Damage or otherwise interfere with any mining privilege held by any other person, or the buildings, works, or machinery thereon : nor
- (3.) Deposit upon any mining privileges, other than his own, any earth, stones, tailings, or other substance ; nor
- (4.) Back the water of any watercourse upon any mining privilege other than his own, or otherwise cause the same to be flooded or injured ; nor
- (5.) Remove from any workings any props, timber, or other structures, so as to endanger the claim or rights of any other person ; nor
- (6.) Allow any timber which he has felled to remain for more than twelve hours upon or in any road, street, path, or watercourse, or upon any land other than his own.
- (7.) Remove, deface, or alter any peg, mark, or notice set up by any other person in accordance with the Mining Act or the regulations thereunder.

93. Where the holder of a mining privilege discharges or deposits tailings therefrom outside the boundaries thereof or of his special site for the deposit of tailings, his right to such tailings shall be deemed to be abandoned.

ADDITIONAL PROVISIONS FOR THE SAFETY OF LIFE AND PROPERTY IN CONNECTION WITH MINING OPERATIONS.

Additional General Rules.

94. In addition to the general rules prescribed by section 254 of the Mining Act, the following general rules shall, as far as practicable, be observed in every mine :—

- (1.) The extent of ventilation to be prescribed under subsection (1) of section 254 of the Mining Act shall be at the rate of not less than 100 cubic feet of air per minute for every person, and 600 cubic feet of air per minute for every horse or other animal, whilst employed under ground :

Provided that in any case where the Inspector is satisfied that the aforesaid rate is insufficient for the purpose of providing adequate ventilation, either throughout the underground workings generally or in any specified portions thereof, he may from time to time require such rate to be increased to such extent as in the circumstances he thinks reasonable.

- (2.) In and about every mine and the underground workings thereof provision to the satisfaction of the Inspector shall at all times be made for sanitation and for the prevention of nuisances, and for this purpose the Inspector may require the holder of the mine to provide latrine-accommodation and the use of disinfectants.
- (3.) In any case where the Inspector is of opinion that, by reason of the use of timber or other inflammable material in a mine, there is risk of fire, he may require the holder of the mine to provide such number and description of smoke-protectors as the Inspector thinks necessary, having regard to the nature and extent of the workings and of the risk.
- (4.) If inflammable gas has been found in the mine within the preceding twelve months, a station or stations shall be appointed at the entrance to the mine or to different parts of the mine, as the case may require, and no workman shall pass beyond any such station until the mine, or, as the case may be, the part beyond such station, has been cleared from gas, and been inspected and ascertained to be safe.
- (5.) Such inspection shall be made within two hours before the time fixed for the commencement of work.
- (6.) A printed copy of the foregoing general rules shall at all times be kept posted in the office, and on some building or board in a conspicuous place in connection with every mine, and shall be renewed as often as the same is torn or defaced.
- (7.) Subsection (47) of section 254 of the Mining Act (relating to offences) shall apply to the foregoing general rules.

Special as to Dredges.

95. The following special rules shall be observed in the case of every dredge used for mining purposes :—

- (1.) Every dredge used for mining purposes shall be kept provided with safety appliances as follows :—
- (a.) A life-buoy, a light line, and a boat-hook near the bow of the dredge.
 - (b.) A life-buoy, a light line, and a boat-hook near the stern of the dredge.
 - (c.) A boat containing a light line and a boat-hook.
 - (d.) A looped wire line securely fastened around outside of pontoons about 6 in. above water-line.
- (2.) In every case where the Warden or Inspector notifies the owner or manager of the dredge that the stream in which the dredge is being constructed or worked is deep or swift-flowing, then, in addition to the foregoing appliances, the dredge shall be kept provided with not

less than two boats, inclusive of the boat required to be kept under subclause (1) hereof, and each of such boats must be equipped ready for use and continuously furnished with a life-buoy, a light line not less than 50 ft. in length, and a boat-hook not less than 7 ft. long. Life-belts shall also be provided, and each member of the crew of any boat shall wear a life-belt when engaged in shifting the mooring-lines of the dredge.

- (3.) All safety appliances shall be kept in conspicuous places within easy reach, and when damaged or lost shall be immediately renewed.
- (4.) The well-hole of every dredge shall be fenced or covered over as far as is reasonably practicable, and where such fencing or covering is not practicable a movable gangway of not less than 2 ft. 6 in. wide, and fitted with a substantial hand-rail at each side, shall be provided and used by persons for crossing the well-hole.
- (5.) No person shall step on the buckets or chain when in motion.
- (6.) All exposed gearing, belting, or machinery shall be kept fenced to the satisfaction of the Inspector.
- (7.) On any dredge which is not entirely covered in, the sides of the uncovered portion of the hull shall be fitted with stanchions not more than 8 ft. apart, and also with two substantial handrails or tightly stretched wires or chains, the lower rail, wire, or chain not being more than 10 in. above the deck, and these may be made movable for the purpose of taking coal and material on board the dredge, but shall be kept in position at all other times.
- (8.) Every dredge working close to a bank shall be provided with a gangway not less than 2 ft. 6 in. wide and of sufficient length to reach from the dredge to the bank. Such gangway shall be provided with a substantial handrail at each side, and be secured to the deck of the dredge.
- (9.) All the aforesaid safety appliances shall be subject to the approval of the Inspector.
- (10.) The length of freeboard between the deck of the dredge and the surface of the water shall at no time be allowed to be less than the Inspector directs.
- (11.) Every dredge shall be provided with latrine-accommodation to the satisfaction of the Inspector.
- (12.) Except in the case of dredges in use at the time of the gazetting of these regulations, a dredge shall not be used for working a claim until it has been inspected by an Inspector who certifies as to the strength and soundness of the pontoons, the efficiency of the safety appliances, and the sufficiency of length of freeboard.

- (13.) In any case where the Inspector is of opinion that a dredge is unsafe, and should be suspended or condemned, he shall make report thereon to the Warden, whereupon the following provisions shall apply:—

(a.) The Warden may issue a summons requiring the owner of the dredge to show cause why it should not be suspended or condemned.

(b.) On the return of the summons, and after full inquiry and investigation, the Warden may, by order, either suspend the dredge from working until it is renovated and rendered safe to his satisfaction, or condemn it altogether, or give such other direction in the premises as he thinks fit; and it shall be the duty of the owner of the dredge, and all other persons concerned, to obey such order.

- (14.) A printed copy of the foregoing special rules shall be kept posted in a conspicuous place on every dredge, and shall be renewed as often as the same is torn or defaced.

- (15.) It shall be the duty of the owner and manager of the dredge, and of every person in charge of or giving orders or directions relating to the working of the dredge or employed thereon, to faithfully comply with the foregoing special rules, and if they fail or neglect so to do they shall be severally guilty of an offence.

General.

96. Any requirement, order, or direction of the Inspector under the aforesaid section 254, or these regulations, may be made by writing under his hand addressed in general terms to the person in charge of the mine or dredge, and delivered at the mine or dredge; and it shall be the duty of the owner and manager to faithfully comply therewith.

REGISTRATION OF APPLIANCES AND PROCESSES FOR TREATING ORES AND METALS.

97. For the purposes of Part VI of the Mining Act (relating to the registration of appliances and processes for treating ores and metals) the following provisions shall apply:—

- (1.) Any person who, as owner or proprietor of a machine, desires to register the same shall lodge with the Registrar an application for registration, in the form numbered 57 in the First Schedule hereto, or to that effect.
- (2.) If after inquiry the Registrar is satisfied as to the facts he shall register the machine in manner hereinafter provided; but if he is not so satisfied he shall refer the application to the Warden, who shall decide the matter, after making such investigation as he thinks fit.
- (3.) The Machine Register-book shall be in the form numbered 58 in the First Schedule hereto, and registration shall be effected

by entering in the said book the particulars indicated in the said form.

- (4.) On registering the machine the Registrar shall issue to the applicant a license to work the machine.
- (5.) The license may be in the form numbered 59 in the First Schedule hereto.
- (6.) The renewal of the license may be effected by the Registrar in the same manner, *mutatis mutandis*, as in the case of the renewal of a tunnel prospecting license by the Warden, and for that purpose clause 11 of these regulations, with all necessary modifications, shall apply.
- (7.) The monthly return mentioned in subsection (k) of section 281 of the Mining Act may be in the form numbered 60 in the First Schedule hereto.

COMPENSATION.

As to Compensation payable otherwise than by the Crown.

98. Except in the cases where under the Mining Act or these regulations specific provision is made as to the mode of assessing compensation, all compensation payable thereunder, otherwise than by the Crown, shall be assessed in such manner as is agreed on by the parties concerned, or, failing agreement, then by the Warden and two assessors.

99. In every case where the compensation is to be assessed by the Warden and two assessors, the provisions of section 113 of the Mining Act shall apply.

As to Compensation payable by the Crown in respect of Watercourses set apart for Discharge of Tailings.

100. The claim for compensation to be prescribed under section 127 of the Mining Act may be made in the form numbered 61 in the First Schedule hereto, or to that effect.

General as to Compensation payable by the Crown.

101. Subject as last aforesaid, all claims for compensation against His Majesty under the Mining Act may be made in such of the forms provided by "The Public Works Act, 1908," as are applicable, with all such modifications and alterations as the circumstances require.

STATISTICS.

102. Every holder of a mine shall, during the month of January in each year, forward to the Inspector a return in the form numbered 62 in the First Schedule hereto, under the hand of the holder or manager of the mine, setting forth in respect of such mine the particulars therein mentioned for the year ending on the last day of the preceding month.

103. Every bank, by some responsible officer thereof, and every gold-buyer other than a bank, shall, during the month of January in each year, forward to the Inspector a return in the form numbered 63 in the First Schedule hereto, under the hand of such officer or buyer, setting forth the particulars therein mentioned for the year ending on the last day of the preceding month.

104. For the purposes of the issue of duplicates of lost or destroyed documents under the provisions in that behalf contained in section 396 (2) of the Mining Act, the following provisions shall apply :—

- (1.) The application for the duplicate may be in the form numbered 64 in the First Schedule hereto, and shall be filed in the office of the Registrar, but need not be notified or advertised.
- (2.) The statutory declaration embodied in the application shall be exempt from stamp duty.
- (3.) The Warden, if satisfied with the proof of loss, may order the Registrar to issue a duplicate, and in such case the Registrar shall issue the same accordingly.
- (4.) The duplicate shall be a copy of the original, with the addition of the words,—
“ Duplicate, issued this day of
 , 19 , in lieu of the original,
which has been lost [or destroyed].
 “ A.B.,
 “ Registrar.”
- (5.) The application may be disposed of summarily at any time after it is filed.
- (6.) The only fee payable shall be the application fee of 2s.

As to Holder of Miner's Right or Mining Privilege.

Provided that the rights conferred by this section shall not be exercisable in respect of—

106. The rights by the last preceding clause of these regulations conferred upon the holder of a miner's right shall, in the case of the holder of a mining privilege, be exercisable by such last-mentioned holder in respect of timber (other than kanri or reserved trees) growing or standing on the land comprised in such mining privilege, or, in so far as suitable timber is not obtainable on such land, then on any other available unalienated Crown land open for mining, nevertheless for the purposes only of his own domestic use, or of the erection of buildings or fences on such first-mentioned land, or the carrying-on of his mining operations thereon.

107. The timber-cutting rights hereinafter provided for shall be exercisable only in respect of

timber growing or standing on such lands in a district as are defined and specified by the Governor to be areas within which timber-cutting rights may be granted by the Warden exclusively.

108. On application in that behalf in the form numbered 65 in the First Schedule hereto, the Warden may grant to any person, being the holder of a miner's right, a sawmill license entitling the licensee during its currency to cut timber (other than kauri-trees or trees reserved by the Warden) growing or standing on the land comprised in the license, and sell or otherwise dispose of the same for any purpose, and with respect to such application and license the following provisions shall apply :—

- (1.) The applicant shall mark out the land in the same manner as in the case of a claim, but tree-blazing may be used instead of pegs.
- (2.) The application shall be made, filed, and disposed of under such of the provisions of section 165 of the Mining Act and clause 33 of these regulations as are applicable :

Provided that if the land has to be surveyed the Warden may accept as a sufficient survey a sketch-plan by a surveyor, showing approximately the due measurements and locality of the land. the cost of such survey not to exceed £5.

- (3.) The area of the land comprised in the application shall not exceed 200 acres.
- (4.) There shall be payable in respect of the license an annual acreage-rent at the rate of 1s. per acre.
- (5.) There shall also be payable a royalty at the rate specified in the Fourth Schedule hereto in respect of all timber cut pursuant to the license.
- (6.) The acreage-rent shall be payable as provided by subsection (j) of section 170 of the Mining Act.
- (7.) The royalty shall be payable on the same days as the instalments of rent accruing due after the commencement of the term, and for similar periods :

Provided that the first such payment of royalty shall be due and payable on the same day as the first half yearly instalment of rent, and be in respect of the royalty for the period clapsing between the date of the license and such day :

Provided, further, that all sums paid in respect of royalty for any period shall, to the extent of the rent payable, be deemed to be in or towards satisfaction of such rent.

- (8.) The license may be in the form numbered 66 in the First Schedule hereto.

109. The conditions subject to which a sawmill license shall be deemed to be granted, and shall be held, shall in every case include the following conditions :—

- (1.) The licensee shall, within six months after the date of his license, provide and fit up, either upon the land comprised therein or on some other site approved by the Warden, a substantial and fully equipped sawmill plant, including all the necessary buildings thereto appertaining; and also shall at all times thereafter during the currency of the license keep such plant in continuous working operation cutting timber from said sawmill license, unless valid and satisfactory reasons can be given to the Warden for any temporary stoppage.
- (2.) If such plant is not already provided and fitted up when the license is granted, the Warden shall require the licensee to give security to his satisfaction that it will be provided and fitted up within six months thereafter.
- (3.) Except for the purpose of constructing the sawmill, and any tramway or other work in connection therewith, the licensee shall not cut, or sell, or otherwise dispose of any timber on the land until the sawmill is in full working operation.
- (4.) If at any time the mill is closed for a longer time than the Warden thinks necessary or reasonable, he may give the licensee notice in writing to resume work within the period (not exceeding one month) named in the notice.
- (5.) If the licensee fails or neglects to resume and continue the *bona fide* working of the mill in terms of such notice, the Warden may forfeit the license.
- (6.) The Warden may require the licensee to use a brand for marking his timber, and to register the same (without fee) in the Warden's Court in a book to be kept for the purpose by the Clerk of the Court.
- (7.) In no case shall any two registered brands be the same or so like one another as to be calculated to deceive.
- (8.) The Minister, or any local authority, may at any time, without compensation, make roads or tracks through the land comprised in the license or in any reserved area, and for such purpose cut and use any timber thereon.
- (9.) The licensee shall be entitled to occupy, for his sawmilling purposes, so much of the surface of the land comprised in the license as is reasonably required for his sawmill and sawmilling works.
- (10.) The licensee shall at all times keep full and accurate accounts of all timber cut by him under his license, and permit the accounts to be inspected at any time by any Inspector, and shall also furnish to the Receiver monthly returns showing particulars of all timber cut during the preceding month, together with such other details as the Receiver or the Inspector requires.

- (11.) Subject to the specific provisions of regulations relating to timber-cutting rights, the provisions of the Mining Act and the regulations thereunder relating to the grant, registration, transfer, protection, inspection, surrender, forfeiture, and abandonment of mining privileges, and the terms, conditions, reservations, and provisions subject to which mining privileges may be granted, and shall be deemed to be held, shall apply to sawmill licenses:

Provided that at any time within three months after surrender, forfeiture, or abandonment, the licensee shall be entitled to remove all buildings and plant belonging to him on the land.

- (12.) Whenever the licensee of a sawmill area obtains a license for a reserved area, the first-mentioned license shall be surrendered and cancelled:

Provided that the Warden shall grant him, without fee, the right to use for the purpose of working such reserved area the sites (if any) of any mill, building, or tramway belonging to him on the first-mentioned area.

110. When making his application for the license, or at any time thereafter during the currency of the license, the applicant or licensee may, by application in the form numbered 67 in the First Schedule hereto, apply to have reserved for him not more than three additional areas not exceeding 200 acres each, which shall be so situated with respect to each other and to the area in the application or license that the four shall form one area within continuous boundary-lines, and such boundary-lines shall be deemed to be continuous, notwithstanding that the area may be intersected by road or railway-lines, and in the event of the areas above referred to being situated not less than four miles distant from a railway-line, or a port, the Warden may grant a fourth additional area of 200 acres subject to similar conditions. And the Warden may, by certificate under his hand in the form numbered 68 in the First Schedule hereto, reserve the same accordingly upon being satisfied that the sawmill plant referred to in subclause (1) of the next preceding clause of these regulations has or will be duly provided and fitted up as therein required, and that in the case of any existing license all its conditions have been duly complied with to date; and with respect to such application and certificate the following provisions shall apply:—

- (1.) Subclauses (1) and (2) of clause 108 of these regulations shall apply.
- (2.) The certificate shall continue in force for one year, but may be renewed from year to year so long as the license continues in force, and shall *ipso facto* cease and determine with the license.
- (3.) The certificate, and each annual renewal thereof, shall be registered.
- (4.) The renewal may be effected in the same manner, *mutatis mutandis*, as in the case of a tunnel prospecting license, and for

that purpose clause 11 of these regulations, with all necessary modifications, shall apply.

- (5.) There shall be payable in respect of the certificate, and of each annual renewal thereof, an acreage-rent at the rate of 1s. per acre, and such rent shall be payable by two equal half-yearly instalments in advance.
- (6.) The certificate shall not be transferable apart from the license.
- (7.) The certificate shall not confer any right to occupy the land or cut timber or otherwise use the same, but at any time during its currency the licensee may exchange his existing license for a new sawmill license for any continuous area (not exceeding 200 acres) out of the land comprised in the certificate.
- (8.) Such new license shall specify the certificate out of which the land comprised in the new license is taken.
- (9.) The Warden, when granting the new license, shall, by memorandum under his hand on the certificate, cancel the certificate as to the land comprised in the new license, and thereafter the certificate shall be deemed to relate only to the residue of the land, and the acreage-rent under the certificate shall abate accordingly.
- (10.) Such memorandum shall be registered.
- (11.) Upon the grant of the new license all references herein contained to the former license shall apply to the new license in lieu of to the former license.
- (12.) As against his liability for acreage-rent under the new license, the licensee shall be credited with the sums paid by him for acreage-rent under the former license or under the certificate for any period subsequent to the commencement of the term of the new license :

Provided that, in the case of acreage-rent paid as aforesaid under the certificate, the sum to be credited as aforesaid shall be the acreage-rent so paid in respect of the area comprised in the new license, being the area as to which the certificate has been cancelled.

Hand-sawing and Timber-splitting Warrants.

111. On application in that behalf, filed in the office of the Registrar, the Warden may grant to any person, being the holder of a miner's right, a warrant entitling him during its currency to cut timber (other than kauri-trees or trees reserved by the Warden) growing or standing on the land comprised in the warrant, and to sell or otherwise dispose of the same for any purpose :

Provided that he shall not be entitled to cut timber for sawmilling purposes except for his own use, and with the consent of the Warden.

112. With respect to such application and warrant the provisions of subclauses (1) and (2) of clause 108

and subclauses (6), (9), and (11) of clause 109 of these regulations, *mutatis mutandis*, and also the provisions following, shall apply :—

- (1.) The application may be in the form numbered 69, and the warrant in the form numbered 70, in the First Schedule hereto.
- (2.) The area of the land shall not exceed 20 acres.
- (3.) The term of the warrant shall be either six months or twelve months, and there shall be payable therefor, in advance, in the former case a fee of 3s. per acre, but the total sum not less than £1, and in the latter case a fee of 5s. per acre, but the total sum not less than £2.
- (4.) The warrant-holder shall pay the same royalty on railway-sleepers as in the case of a sawmill license, and the provisions of subclause (10) of clause 109 of these regulations (limited, however, to timber cut for sleepers) shall accordingly apply.
- (5.) The warrant-holder shall be entitled to construct sawpits and huts on the land, on sites approved by the Warden.

Kauri-trees and Trees reserved.

113. The Warden may from time to time, by order under his hand, reserve trees from being cut :

Provided that, except in the case of trees reserved prior to the issue of a license or warrant, no tree on the land comprised therein shall be reserved during the currency of the license or warrant.

114. On application in that behalf filed in the office of the Registrar, the Warden may, by order under his hand, authorise any person, being the holder of a miner's right, to cut for any purpose any kauri-tree or reserved tree ; and with respect to such application and order the following provisions shall apply :—

- (1.) The application shall specify the number, situation, and estimated measurement of the trees applied for.
- (2.) There shall be payable in advance in respect of the trees for which the order is granted such sum as is agreed on, being in no case less than £1 5s. for each tree, nor less than 6d. per hundred feet superficial measurement of the trees before cutting.

Limitation as to Timber-cutting Rights.

115. The rights by these regulations hereinbefore conferred in respect of timber shall not be exercisable, nor shall any license, certificate, warrant, or order thereunder be granted, in respect of lands set apart as forest lands under " The New Zealand State Forests Act, 1885."

116. Every license, certificate, warrant, or order in respect of timber granted under the foregoing regulations or under section 312 of " The Land Act, 1908," shall be deemed to be granted and shall be held subject to the exercise by the holder of a miner's right or mining privilege of the rights conferred upon him by clauses 105 and 106 hereof, and subject also

to the power of the Warden to grant mining privileges in respect of the land to which such license, certificate, warrant, or order relates :

Provided that the Warden, when granting such mining privilege, may impose such reasonable conditions as, whilst not unduly hampering the holder of such privilege in the exercise of his rights, will afford reasonable facilities for the carrying-on of the timber industry.

117. In every case where, under section 147 of the Mining Act, areas within the Counties of Buller, Inangahua, Grey, or Westland may hereafter be set aside by the Governor as areas within which timber licenses and other timber-cutting rights may be granted under section 312 of "The Land Act, 1908," exclusively, the following special provisions shall apply :—

(1.) Applications for timber licenses and other timber-cutting rights within the aforesaid areas may be made to and dealt with by the Warden as fully and effectually as if those areas had been set aside as areas within which timber licenses and other timber-cutting rights might be granted by the Warden exclusively :

Provided that in acting under this regulation the Warden shall be deemed to act on behalf of the Land Board, and shall so state on every license or other instrument issued by him hereunder.

(2.) All fees and royalties received in respect of timber licenses and other timber-cutting rights under this regulation shall be deemed to be territorial revenue, and shall accordingly be paid by the Receiver into the Public Account as part of the Consolidated Fund.

(3.) The Land Board shall not itself grant any timber licenses or other timber-cutting rights within the aforesaid areas.

General.

118. Subject to the foregoing provisions of clauses 115, 116, and 117 of these regulations, the power hereinbefore conferred upon the Warden to grant licenses, certificates, warrants, or orders for timber cutting may be exercised by him in respect of land comprised in any mining privilege.

FEES IN RESPECT OF MINING PRIVILEGES AND TIMBER-CUTTING RIGHTS.

119. Subject to the specific provisions of the Mining Act and these regulations relating to specific fees, the fees specified in the Fifth Schedule hereto shall be payable in respect of the matters therein mentioned.

WARDEN'S COURT.

Office Hours.

120. (1.) The office of the Court shall be open to the public every day from 10 a.m. to 1 p.m., and from 2 p.m. to 4 p.m., except on Saturdays, Sundays, and holidays. On Saturdays the office shall be open to the public from 10 a.m. to 12 noon, and on Sundays and holidays the office shall be closed :

Provided that when the clerk has to attend more offices than one he shall keep his office open on such days and hours as the Warden from time to time appoints.

(2.) A notice of the office hours shall be kept posted in some conspicuous place in and outside the office.

Holidays.

121. The following days shall be holidays in the Warden's Court and the offices thereof, that is to say : The days from Good Friday to Easter Tuesday (inclusive) ; the days from Christmas Eve to 3rd January (inclusive), and all statutory holidays ; and in each district the anniversary of the foundation of its province.

Minute-book, Complaint-book, Record-book, &c.

122. The clerk shall keep a book, to be known as the minute-book, in which shall be entered minutes of all interlocutory proceedings and of all temporary appointments, whether of officers pursuant to the Mining Act, or of office days or hours pursuant to these regulations. He shall also keep a complaint-book in the form numbered 71 in the Sixth Schedule hereto, and a record-book in the form numbered 72 in the Sixth Schedule hereto, wherein he shall enter the particulars therein specified.

123. The forms numbered 73 to 92 in the Sixth Schedule hereto may be used in respect of proceedings in the Warden's Court, or of documents to be filed or lodged therein ; and if for any such proceedings there is no form prescribed, the Warden may prescribe the form to be used.

Fees.

124. The fees specified in the Seventh Schedule hereto shall be payable in respect of the matters therein mentioned, and the allowance to witnesses in proceedings in the Warden's Court shall be those specified in the same Schedule.

DEVELOPMENT OF THE MINING INDUSTRY.

Aid to prospecting Deep Levels.

125. With respect to the assistance which may be given by the Minister or local authority towards prospecting deep levels, the following provisions shall apply :—

(1.) A "deep level" to prospect quartz lodes shall mean prospecting operations undertaken to prospect auriferous lodes down to a depth of not less than 1,000 ft. below the level of the natural surface of the ground, or such less depth—in no case being less than 750 ft.—as in special circumstances the Minister or the local authority approves.

(2.) A "deep level" in alluvial drift shall mean prospecting operations undertaken to prospect alluvial drifts at a depth of not less than 250 ft. below the natural surface of the ground, where it is necessary to erect pumping machinery to lift not less than 250 gallons of water per minute.

- (3.) The number of deep levels for the prospecting whereof assistance may be granted shall be confined to three mining districts—namely, one in the North Island, one in the west of the Middle Island, and one in Otago; and not more than one deep level shall be assisted in any such district at one time.
- (4.) Any person desirous of obtaining assistance for prospecting deep levels shall make application in writing to the Minister or local authority, stating the locality and nature of the work proposed to be done.
- (5.) The application shall be accompanied by a plan of the site of the intended prospecting operations, and a statement in detail showing (a) the mode in which it is proposed to carry on such operations; (b) the amount of money proposed to be expended; (c) the character and value of the machinery proposed to be erected; and (d) the total amount of assistance required. Should mining operations have been previously carried on in the ground proposed to be prospected at deep levels, the applicant shall also state (e) the amount of money already expended on such operations; (f) the character and value of the machinery already erected on the ground; and (g) the quantity and value of the gold extracted from the mine up to the date of application.
- (6.) Before any application is granted the applicant must satisfy the Minister or local authority that the applicant's proportion of the total amount proposed to be expended is available; and upon being so satisfied the Minister or local authority shall, if it be deemed advisable, obtain a joint report of two or more qualified officers of the public service, or, in the case of a local authority, one qualified Mining Engineer and the Inspector of Mines for the district, as to the probability of the operations proving successful, and that the proposed site is in the best locality for testing the deep levels in the district.
- (7.) The Minister or local authority may grant assistance not exceeding one-half the total estimated cost of the proposed operations, or he may decline to grant any assistance.
- (8.) Progress-payments on account of assistance will be made from time to time as the work proceeds, on the certificate of an Inspector of Mines or the Engineer in the employ of the local authority.
- (1.) Every application for assistance towards the construction of a water-race or storage reservoir shall be made to the Minister in writing, and shall be accompanied with a plan of the proposed work and an estimate of its cost.
- (2.) The application shall also be accompanied with a statement showing the source of supply from which it is proposed to take the water, the area and estimated depth of proved auriferous ground that the proposed work would command, the number of miners actually engaged in carrying on mining operations within such area, and the extra number of miners that could be profitably employed if the proposed works were constructed.
- (3.) On receipt of such application, plan, and statement the Minister shall cause an examination to be made and a report furnished to him by a qualified officer of the public service as to the extent and character of auriferous ground which the proposed work would be likely to command, the extent to which it would be for the benefit of the majority of the miners in the locality, and generally as to its utility.
- (4.) After receiving such report, and upon being satisfied that the proposed work will be for the benefit of the majority of the miners in the locality, and also that the applicant's proportion of the cost is available, the Minister may grant a subsidy towards the proposed work not exceeding one-third the total cost of construction, or he may refuse to grant any subsidy:
Provided that the subsidy shall not be granted until the applicant has supplied to the Minister detailed plans and longitudinal and cross sections of the ground where it is proposed to construct the race or reservoir, together with the dimensions of the channels, the length of tunnels, open ditching and fluming, and other detailed particulars of the proposed work, and a statement in detail of the cost of the proposed work, and the same have been submitted to and approved by the officer who furnished the aforesaid report.
- (5.) No assistance shall be given in the case of a water-race if the carrying-capacity is less than fifteen sluice-heads of water, nor in the case of a storage reservoir if its storage-capacity is less than 20,000,000 cubic feet of water.
- (6.) Before any assistance is granted towards the construction of any water-race or storage reservoir the rates to be charged for water therefrom shall be submitted to and approved by the Minister.

Subsidies for Water-races and Storage Reservoirs.

126. Assistance by way of subsidy may be granted by the Minister towards the construction of water-races or storage reservoirs, and for that purpose the following provisions shall apply:—

Subsidies to Local Authorities or Miners' Associations in aid of Prospecting.

127. In the cases, to the extent, and subject to the conditions hereinafter set forth, the Minister may grant subsidies not exceeding two pounds for one pound in respect of moneys expended by any local authority (being a County Council or, where "The Counties Act, 1908," is not in operation, a Road Board) or any miners' association in assisting prospecting operations; and with respect to every such subsidy the following provisions shall apply:—

(1.) The local authority or miners' association desiring the subsidy shall make application to the Minister setting forth in detail its proposed scheme of assistance.

(2.) The total amount payable by the Minister in respect of subsidy in any one year shall not exceed, in the case of a County Council or a miners' association, £500, and in the case of a Road Board, £300:

Provided that in no case shall any subsidy be payable unless the scheme of assistance is approved by the Minister, and is in accordance with these regulations.

(3.) The scheme of assistance may comprise the purchase of boring appliances for use in prospecting operations, or the payment of money to parties of prospectors under the hereinafter-mentioned Classes I and II.

(4.) Under Class I a subsidy at a rate not exceeding £1 per week per man may be paid by the Minister in respect of each party of not less than two men whilst prospecting in new ground:

Provided that, except where the prospecting operations consist of trenching for lodes or reefs, no subsidy shall be payable unless such new ground is distant at least three miles from any place where within the preceding six months more than ten men have been prospecting or mining.

(5.) Under Class II a subsidy of the rates, and in the cases next hereinafter mentioned, may be paid by the Minister in respect of each party of not less than two men whilst prospecting partially worked and prospected ground within reasonably easy access of road-communication.

(6.) Such rates and cases are as follow:—

(a.) For sinking in dry ground, the shaft not being less than 4 ft. by 3 ft.,—

	s.	d.
From surface to 15 ft.	0	6 per foot.
From 15 ft. to 60 ft.	1	6 "
Over 60 ft.	2	0 "

(b.) For sinking in wet ground where slabbing is necessary, the shaft being not less than 5 ft. by 3 ft.,—

Double the foregoing rate.

(c.) For prospecting for dredging purposes by sinking shaft in bed of stream,—

Double the rate under (b).

(d.) For tunnelling or driving through drift or blue-reef, the tunnel or drive being not less than 5 ft. by 3 ft.,—

	s.	d.
Up to 300 ft.	0	9 per foot.
From 300 ft. to 700 ft.	1	9 "
From 700 ft. to 1,000 ft.	2	3 "
Over 1,000 ft.	3	0 "

(e.) For tunnelling or driving through hard rock, where blasting is necessary, the tunnel or drive being not less than 5 ft. by 3 ft.,—

For the whole distance .. 5s. per foot.

128. In no case shall any party of prospectors be entitled to assistance from the local authority or association, nor shall any subsidy in respect thereof be payable by the Minister, unless the following conditions are complied with:—

(1.) The party shall apply in writing to the local authority or association for assistance.

(2.) The application shall set out the name and address of each member of the party (being not less than two men), the class of the prospecting, and the locality in which it is to be done.

(3.) The application shall be approved both by the Minister and the local authority or association.

(4.) The party shall send to the local authority or association a monthly report setting forth in detail the value and extent of the work done during the month and the amount earned by the party.

(5.) The work shall be inspected from time to time by a person appointed in that behalf by the local authority or association, and no payment shall be made to the party by the authority or association, nor by the Minister to the authority or association, unless and until the person so appointed has examined the work and certified that it has been satisfactorily performed, and that the amount to be paid has been properly earned.

(6.) The subsidy may be discontinued by the Minister on one month's notice to the authority or association, and in such case the assistance to the party may be discontinued by the authority or association on notice expiring simultaneously with the Minister's notice.

(7.) Irrespective of the foregoing provision for discontinuance, the authority or association may discontinue its assistance at any time on one month's notice.

129. (1.) Where the subsidy has been paid by the Minister in aid of the purchase of boring appliances, the appliances shall not be lent or sold by the authority or association except with the previous consent of the Minister, and in case of sale a duly proportionate part of the proceeds (having regard to the total cost and the amount of the subsidy) shall be refunded to the Minister on behalf of His Majesty, and the sum so refunded shall be paid into the Public Account as part of the Consolidated Fund.

(2.) In every case where any subsidy has been paid by the Minister in respect of the construction of any shaft, tunnel, or adit level, the Warden may, upon such terms and conditions as he thinks equitable, grant to any person, being the lawful holder of any claim adjacent thereto, the right to use the same for the purpose of working the claim.

Rewards for the Discovering of New Mining-fields.

130. With respect to rewards payable by the Government or any local authority for the discovery of new mining-fields under sections 385 and 389 of the Mining Act, the following provisions shall apply:—

- (1.) The person claiming the reward shall make application therefor in writing to the Minister in the case of a Government reward, or to the local authority in the case of a reward offered by such local authority.
- (2.) The application shall set forth briefly but clearly the date, nature, and the site of the discovery, and the circumstances under which it was made.
- (3.) The Minister or local authority receiving the application shall forward it to the Warden exercising jurisdiction nearest to the site of the discovery where the site is in a mining district, or if the site is outside a mining district then to the Commissioner of Crown Lands of the land district in which the site is situate.
- (4.) The Warden or Commissioner, after making full inquiry into the matter, shall report thereon to the Minister or local authority, stating whether and to what extent the statements in the application are true, and, in the case of a genuine discovery of a new mining-field, the number of miners *bona fide* engaged in mining operations thereon at the expiration of twelve months after the date of the discovery.

131. The amount of the reward (in no case exceeding £500) shall be computed at the rates hereafter specified for every full number of ten miners *bona fide* engaged in mining operations on the new field at the expiration of twelve months after the date of the discovery.

132. If the reward is offered by the Government such rates shall be as follows:—

- (1.) £50 where the new field (whether of gold, silver, tin, copper, or diamonds) is distant not less than three miles from the nearest known similar field at the date of the discovery, whether such similar field was then worked or not.
- (2.) £37 10s. where such new field is distant less than three miles and not less than one mile from such similar field.
- (3.) £25 where such new field consists of (a) the discovery of a new lead or lode, distant less than one mile and not less than half a mile from the nearest known lead or lode at the date of the discovery,

whether such known lead or lode was then being worked or not; or (b), the recovery of an old lead or lode which, at the date of the recovery, had been lost.

133. If the reward is offered by a local authority such rates shall be those hereinbefore specified, or such modification thereof as, with the approval of the Minister, the local authority thinks fit to make.

EXAMINATIONS FOR MINE-MANAGERS' AND BATTERY SUPERINTENDENTS' CERTIFICATES.

The Board.

134. With respect to the Board of Examiners for Mine-managers' and Battery Superintendents' Certificates the following provisions shall apply:—

- (1.) At all meetings of the Board the quorum shall be four, and the Chairman appointed by the Governor shall preside:

Provided that if at any meeting the Chairman is absent, the members present may appoint one of their number to act as chairman at such meeting in his stead, and, whilst so acting, the person so appointed shall have all the powers of the Chairman.

- (2.) Each member of the Board who is not otherwise employed in any department of the public service shall receive by way of travelling-expenses the sum of £1 11s. for each day's absence from his place of abode for the purpose of attending at a meeting of the Board, including the day of his leaving his place of abode, but not the day of his return thereto.
- (3.) He shall also be repaid all sums properly expended by him for fares by railway, coach, or steamer in travelling for the purpose of such attendance.

Certificates by Examination.

135. The examination for certificates as mine-managers or battery superintendents shall be held at such times and places as are appointed by the Board, and with respect to such examinations the following provisions shall apply:—

- (1.) For the better conduct of the examinations the Board may appoint supervisors, with such functions and powers as the Board thinks fit.
- (2.) Every candidate for a certificate by examination shall at least one month before the date fixed for the examination, and in the Form No. 93 in the Eighth Schedule hereto, make application in that behalf to "The Secretary of the Board of Examiners under the Mining Act," at Wellington, and shall forward therewith a fee of £1.
- (3.) For the purpose of enabling the Board to determine whether the candidate possesses the requisite practical experience, his application shall specify with sufficient particularity for identification and refer-

ence the respective mines in which he has been employed, and the period and nature of his employment therein, including, in the case of a battery superintendent's certificate, the nature of the chemical process used in the mine, and of the machinery and appliances connected therewith.

- (4.) For the purposes of section 234 of the Mining Act the requisite practical experience of a candidate for a battery superintendent's certificate shall be actual employment for not less than twelve months in the working of the chemical process used in the mine, and of the machinery and appliances connected therewith.
- (5.) The evidence in writing from previous employers in proof of the nature and extent of the candidate's practical experience, to be supplied to the Board as required by section 234 of the Mining Act, shall be so supplied at the same time as the application is forwarded, or as soon thereafter as is possible.
- (6.) The subjects of examination for certificates as mine-managers shall consist of two Parts, as follows :—

Part 1.—For First- or Second-class Certificates.

- (a.) The laying-out and construction of shafts, chambers, main drives or levels, adits, uprisers, and stopes.
- (b.) The timbering of shafts, adits, main drives or levels, passes, stopes, and generally the systems of timbering mines and filling up old workings.
- (c.) The ventilation of mines and composition of gases.
- (d.) Tapping water in mines, and the mode of constructing dams in underground workings to keep the water back.
- (e.) Blasting, and the use of explosives.
- (f.) A knowledge of arithmetic and the method of keeping mining accounts.
- (g.) Practical elementary electricity.
- (h.) A knowledge of Parts V and VI of "The Mining Act, 1908"—oral.

Part 2.—For First-class Certificates.

- (i.) Pumping appliances and the drainage of mines.
- (j.) The haulage in shafts and on underground planes; also the strength of haulage ropes and chains.
- (k.) The effect that faults, slides, and mullock-bars have on lodes, and how to ascertain the direction of slides and heavals.
- (l.) A knowledge of underground surveying and of making plans of the underground workings, showing the dip or inclination and strike of the reefs or lodes.
- (m.) A knowledge of the different rocks where gold, silver, tin, copper, zinc, lead,

and antimony are found, and the formation of lodes and leads.

- (7.) A candidate for a first-class certificate shall be entitled thereto if he passes satisfactorily in Parts 1 and 2, and not otherwise; but if he passes satisfactorily in Part 1 only, and is not the holder of a second-class certificate, he shall be entitled to a second-class certificate.
- (8.) A candidate for a second-class certificate shall be entitled thereto if he passes satisfactorily in Part 1, and he shall not be required to be examined in Part 2.
- (9.) If the candidate is the holder of a second-class certificate he shall state the fact in his application.
- (10.) The subjects of examination for certificates as battery superintendents shall be as follows :—
 - (a.) The different modes of reducing and pulverising ores.
 - (b.) Amalgamating-machines.
 - (c.) The use of quicksilver, and methods of using it in connection with the extraction of gold and silver from ores.
 - (d.) Cyanide, chlorination, and other chemical processes of recovering gold and silver from ores.
 - (e.) The sampling and testing of ores.
 - (f.) A knowledge of arithmetic and the method of keeping battery accounts.
 - (g.) A knowledge of Part VI of "The Mining Act, 1908"—oral.
- (11.) Every applicant must be able to give drawings to illustrate details connected with any work to be done in or about a gold-mine, and must give all details of calculations, and in matters of opinion must fully state his reasons for arriving at any given conclusion.
- (12.) All applications shall, prior to the examination, be forwarded by the Secretary of the Board to the Inspector of Mines of the district for inquiry as to *bona fides*.
- (13.) No candidate shall be permitted to attend for examination without an authority signed by the Secretary of the Board.
- (14.) Certificates, whether by examination or without examination, shall be in such of the forms numbered 94 to 96 in the Eighth Schedule hereto as are applicable.
- (15.) The Board shall keep a register of all certificates issued by it.

DREDGEMASTERS' CERTIFICATES.

With respect to the Board of Examiners for Dredgemasters' Certificates, the following provisions shall apply :—

The Board.

136. In each mining district where dredging is carried on the Board of Examiners shall appoint a certificated dredgemaster of experience and good

repute, and a Harbourmaster, who, together with the Inspector of Mines for the district, shall conduct the examinations at such times and places as may be determined by the Board.

137. Every Examiner so appointed by the Board shall receive by way of travelling-expenses the sum of £1 11s. for each day's absence from his place of abode for the purpose of conducting the examinations, including the day of his leaving his place of abode, but not the day of his return thereto.

138. He shall also be repaid all sums properly expended by him for fares by railway, coach, or steamer in travelling for the purpose of attendance at such examinations.

Certificates by Examination.

139. Every candidate for examination shall, at least one month before the date fixed for the examination, and in the Form No. 97 in the Eighth Schedule hereto, make application in that behalf to "The Secretary of the Board of Examiners under the Mining Act," at Wellington, and shall forward therewith a fee of £1.

140. Every candidate for examination shall be not less than twenty-four years of age, and shall forward, together with his application, satisfactory evidence of sobriety and good character, and of at least three years' employment on a dredge or dredges. Two years of such employment must have been served on a dredge or dredges working in deep or swift-flowing streams, and in respect thereto certificates shall be furnished by the candidate in the Form No. 99 of the Eighth Schedule hereto.

141. No candidate shall be permitted to attend for examination without an authority signed by the secretary of the Board.

142. The examination shall comprise the following subjects:—

- (a.) On laying lines and the methods of running lines for working a dredge.
- (b.) On moving a dredge up and down stream.
- (c.) On mooring a dredge and protecting same against floods, &c.
- (d.) On boats and the working of same under conditions incidental to dredging operations.
- (e.) On a knowledge of the requirements of the Mining Act and its amendments, and regulations relating to dredging.
- (f.) On such other matters relating to the safe working of dredges as the Board may deem desirable, including a knowledge of machinery and the strength of ropes.

143. The certificate issued under these regulations shall be in the Form No. 98 in the Eighth Schedule hereto, as the case requires.

144. The Board shall keep a register of all certificates issued by it.

145. The owner of every dredge shall from time to time notify in writing to the Inspector the name of the dredgemaster employed thereon, together with the number of his certificate, and shall also at all times cause such name to be kept posted in some conspicuous place on the dredge.

146. Every person employed or acting as dredgemaster, or in control of a dredge, shall produce his certificate to the Warden or the Inspector of Mines whenever required so to do.

MISCELLANEOUS PROVISIONS.

As to Service.

147. In any case where, in connection with proceedings before the Warden or in the Warden's Court, notice of any application, objection, counterclaim, appeal, or any other document is to be served by one person or party on another person or party, then such service may be effected (a) by delivering a copy thereof to such other person or party, or his solicitor, or his registered agent, personally, or (b) by leaving the same at the usual place of business or abode of such other person or party in the Dominion, or at his address for service, with some person appearing to be not less than fourteen years of age and to be an inmate thereof, or in charge thereof, or employed therein; or (c) by posting the same in a duly registered letter addressed to such other person or party at his address for service.

148. If service cannot conveniently be effected in any of the ways provided for in the last preceding clause hereof, it may, if the Warden or the Clerk of the Court so directs, be effected in any of the following ways:—

- (1.) By affixing the copy in some conspicuous position upon the site of his last known place of business or abode in the Dominion, or upon the site of his address for service, or, if the proceedings relate to any mining privilege or ground held, claimed, or applied for by the person or party to be served, then upon such privilege or ground; or
- (2.) By posting the copy in a duly registered letter addressed to such person or party at his last known place of business or abode in the Dominion; or
- (3.) In such other manner as the Warden or the Clerk of the Court directs.

149. In case of service under the last preceding clause hereof, a notification of the mode of service, and of the fact that it has been directed by the Warden or Clerk, shall be advertised in some newspaper published or circulating in the locality of the Courthouse in which the proceedings are being dealt with, and in such case (but subject to the provisions of the next succeeding clause hereof relating to service by post) the date on which the advertisement first appears shall be deemed to be the date of the service.

150. In every case where under these regulations service is effected by posting a registered letter, the date on which the letter would reach its address in the ordinary course of post shall be deemed to be the date of the service.

151. The foregoing provisions as to service shall not apply in the case of a summons the mode of service whereof is prescribed by subsections (14) to (19) of section 333 of the Mining Act.

152. In the case of a summons where the defendant is beyond the limits of the Dominion, but has an agent within the Dominion authorised to defend actions, service may, by leave of the Court, be made upon such agent.

As to Tent or Hut Ground.

153. In addition to the other privileges conferred by the Mining Act or these regulations on the holder of a miner's right, he shall as such holder, and without application to the Warden, be entitled to personally occupy as tent or hut ground for his residence an area not exceeding 24 ft. frontage by 48 ft. depth on any unoccupied Crown land open for mining, not being land set apart for business or residence sites or land required for such sites or for mining purposes.

As to Sanitary Provisions.

154. The holders of all residence or business sites or of tent or hut grounds shall comply with all sanitary regulations prescribed by any local authority having jurisdiction over such sites or grounds, and also with all the provisions of "The Public Health Act, 1908," or its amendments relating thereto.

As to Rents, &c., payable to Owner of Land.

155. All rents, royalties, and license fees to which the owner of land is entitled under section 58 of the Mining Act shall, when received by the Receiver, be paid by him into his Deposit Account, and there held until he can pay them over to the owner entitled thereto.

As to Receivers.

156. In every case where, under the powers in that behalf conferred by section 166 of the Mining Act, the Commissioner of Crown Lands exercises the powers and functions of the Warden and Registrar respectively, the Receiver of Land Revenue of the land district shall exercise the powers and functions of the Receiver of Gold Revenue.

As to Appeals.

157. The result of every appeal under section 336 of the Mining Act shall be forthwith communicated to the Clerk of the Court from which the appeal was made by certificate under the hand of the Clerk of the Appellate Court and the seal of his Court.

Mining Agents.

158. All mining agents duly registered under any former Mining Act shall be deemed to be duly registered under "The Mining Act, 1908," and shall be liable to pay the annual registration fee hereinafter prescribed.

159. Any person desirous of being registered as a mining agent under section 333 of the Mining Act shall make application in writing in the Form No. 105 in the Ninth Schedule hereto, which application shall be publicly notified by and at the expense of the applicant by advertisement twice at least in one or more newspapers circulating in the district.

160. Such application shall state the particular mining district, or the particular localities within such district, to which the application is intended to relate.

161. An application shall not be granted authorising any mining agent to appear in any Warden's Court held outside the mining district for which he is registered.

162. Before granting any application for registration as a mining agent the Warden shall satisfy himself as to the applicant's knowledge in respect to the general mining law of the Dominion, particularly treating of the following subjects:—

(a.) The classes of land in respect of which mining privileges may be granted pursuant to the Mining Act.

(b.) Miners' rights.

(c.) The different classes of mining privileges, and their protection, amalgamation, and exchange, as well as the procedure to be adopted in applying therefor.

(d.) The procedure of the Warden's Court.

(e.) Forfeiture by decree of the Court.

(f.) Abandonment of mining privileges.

163. Every application to be registered as a mining agent, and every application to cancel such registration, shall be publicly heard.

164. Immediately on the grant of an application to be registered as a mining agent, the Warden shall issue to the applicant a license in the Form No. 106 in the Ninth Schedule hereto.

165. (1.) There shall be payable to the Clerk of the Warden's Court by every mining agent an annual license fee of £1 Is., payable on the first day of January in each year:

Provided that if any application for registration is granted after the first day of July in any year there shall only be payable in respect of the remainder of that year a fee of 10s. 6d.

(2.) In default of payment for a period of thirty days the agent shall be suspended until the fee is paid.

(3.) All such fees shall be paid to the Receiver of Gold Revenue.

166. The registration of any person as a mining agent shall not be cancelled until after a public inquiry, of which due notice is given to all persons concerned. An application to cancel such registration may be in the Form No. 107 in the Ninth Schedule hereto.

167. The fees set out in the Tenth Schedule hereto may be allowed to either party in respect of any registered mining agent lawfully appearing and acting in any proceedings under the Mining Act.

168. The procedure prescribed by the Mining Act and these regulations in respect of applications for mining privileges, and objections thereto, shall, *mutatis mutandis*, apply to all applications and objections filed and lodged pursuant to these regulations relating to mining agents.

Forms.

169. The forms in the respective schedules hereto may be modified or adapted as the circumstances of the case require, and in any case where no suitable form appears in the schedules such form may be used as the Warden prescribes or approves.

170. In every case where, in the exercise of the powers and functions of the Warden, the Commissioner of Crown Lands issues any license or warrant, sealing shall not be necessary.

As to Determination of Questions or Disputes by Warden and Two Assessors.

171. In every case where any question or dispute is to be determined by the Warden and two Assessors, the provisions of section 113 of the Mining Act shall, *mutatis mutandis*, apply.

Purchase and Sale of Gold and Registration of Gold-buyers.

172. Any person, other than an incorporated bank, desirous of obtaining a gold-dealer's license shall, at least thirty days before the hearing, lodge with the Warden an application in duplicate in the Form No. 108 in the Ninth Schedule hereto, together with a fee of five shillings.

173. The duplicate shall, on the day of the receipt thereof by the Mining Registrar or Clerk of the Court, be posted in a conspicuous place either within or without the Court, and shall be kept posted, legible, and intact till the day of hearing of the application.

174. The applicant shall forthwith cause a copy of his application to be published in two consecutive issues of a local newspaper, and shall also keep a copy posted until the hearing in a conspicuous place on the building in which he intends to carry on his business as a licensed gold-dealer. Applicants for the renewal of gold-dealers' licenses shall not be required to advertise when applying for renewals of their licenses.

175. Any person may, either before or at the hearing of an application, object to the issue of a gold-dealer's license to any applicant:

Provided that any objection may be communicated to the Warden or to the Minister by ordinary letter through the post; and, for the purpose of making due inquiry into the grounds of such objection, the Warden or Minister may defer dealing with the application for such period as may be necessary.

176. If the Minister decides to grant to any such applicant a gold-dealer's license he shall cause a license in the Form No. 109 in the Ninth Schedule hereto to be issued to such person. When any such license has been granted, and has been registered in the Register of Licensed Gold-dealers at the office of the Department of Mines in Wellington, it shall be forwarded to the Warden for delivery to the licensee.

177. An incorporated bank shall apply in writing to the Minister for a general gold-dealers' license, and, on receipt of a fee of five shillings, together with five shillings in addition for each branch at which gold-dealing is to be carried on, such license may be granted in the Form No. 110 in the Ninth Schedule hereto.

178. Such license shall authorise the bank to deal in gold at every branch specified therein.

179. The manager, or the accountant, or the officer in charge of the gold-buying department for the time being at every such branch shall be deemed to be a "licensee" within the meaning of the said Act.

180. The bank, in the application for the license, shall state the places at which such branches are established, and from time to time give to the Under Secretary of Mines written notice of the establish-

ment of any additional branch at which gold-dealing is to be carried on.

181. A Gold-dealer's Book, in the Form No. 111 in the Ninth Schedule hereto, shall be kept at the registered place of business of every gold-dealer, and at every branch of an incorporated bank holding a gold-dealer's license at which gold-dealing is carried on. Every licensed gold-dealer other than an incorporated bank, and, in the case of a bank, the manager, accountant, or officer in charge of the gold-buying department for the time being of the branch, as the case may be, shall personally conduct and carry out every transaction relating to the purchase or sale of gold, and shall, after every purchase or sale has been effected, forthwith record in his Gold-dealer's Book the prescribed particulars of the transaction.

182. On or before the fifth day of each month every licensed gold-dealer and the manager at any such branch of an incorporated bank holding a gold-dealer's license shall forward to the Under-Secretary of Mines a return in the Form No. 112 in the Ninth Schedule hereto, containing the particulars therein prescribed with regard to every transaction relating to gold undertaken by him or by his bank during the preceding month.

183. The statutory declaration to be made by the sender when forwarding gold by post or other intermediary to an incorporated bank licensed under the said Act shall be in the Form No. 113 in the Ninth Schedule hereto.

184. Any failure to comply with the provisions of clauses 181 to 183 of these regulations renders the person or persons liable to the penalties set out in sections 376 to 378 of "The Mining Act, 1908."

185. Any person who desires to obtain a temporary license to deal in gold in any remote locality shall lodge with the Warden an application in the Form No. 114 in the Ninth Schedule hereto, together with a fee of five shillings.

186. Every temporary license granted by a Warden shall be in the Form No. 115 in the Ninth Schedule hereto.

187. The provisions of these regulations relating to gold-buyers shall apply to the holder of a temporary license so far as the same are applicable thereto.

REGULATIONS FOR THE INSTALLATION OF ELECTRICITY.

I. Definitions.

(a.) The expression "pressure" means the difference of electrical potential between any two conductors through which a supply of energy is given, or between any part of either conductor and earth as read by a hot wire or electrostatic voltmeter, and—

Where the conditions of the supply are such that the pressure at the terminals where the electricity is used cannot exceed 250 volts, the supply shall be deemed a low-pressure supply;

Where the conditions of supply are such that the pressure at the terminals where the electricity is used, between any two conductors, or between one conductor and earth, may at any time exceed 250 volts, but cannot

exceed 650 volts, the supply shall be deemed a medium-pressure supply ;

Where the conditions of supply are such that the pressure at the terminals where the electricity is used, between any two conductors, or between one conductor and earth, may at any time exceed 650 volts, but cannot exceed 3,000 volts, the supply shall be deemed a high-pressure supply ;

Where the conditions of supply are such that the pressure at the terminals where the electricity is used, between any two conductors, or between one conductor and earth, may at any time exceed 3,000 volts, the supply shall be deemed an extra high-pressure supply.

II. General.

(a.) All electrical apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and, so far as is reasonably practicable, efficiently covered or safeguarded, and so installed, worked, and maintained as to reduce the danger through accidental shock or fire to the minimum, and shall be of such construction and so worked that the rise in temperature caused by ordinary working will not injure the insulating-material.

All metallic coverings, armouring of cables other than trailing cables, and the frames and bedplates of generators, transformers, and motors other than portable motors shall, as far as is reasonably practicable, be efficiently earthed where the pressure at the terminals where the electricity is used exceeds the limits of low pressure.

(b.) Where a medium-pressure supply is used for power purposes, or for arc lamps in series, the wires or conductors forming the connections to the motors, transformers, arc lamps, or otherwise in connection with the supply, shall be, as far as is reasonably practicable, completely enclosed in strong armouring or metal casing efficiently connected with earth, or they shall be fixed at such a distance apart or in such a manner that danger from fire or shock may be reduced to the minimum. This regulation shall not apply to trailing cables, except when used for incandescent lamps other than those mounted on the motor.

(c.) Motors of rock-drills and such other portable machines shall not be used at a pressure higher than medium pressure.

(d.) No higher pressure than a medium-pressure supply shall be used underground other than for transmission ; and the high-pressure wires or conductors, other than overhead lines above ground, forming the connections to the transformers, or otherwise in connection with the supply, shall be completely enclosed in a strong armouring or metal casing efficiently connected with earth, or they shall be fixed at such a distance apart or in such a manner that danger from fire or shock shall be reduced to the minimum.

The machines, apparatus, and lines shall be so marked as to clearly indicate that they are high-pressure, either by the use of the word "Danger" at frequent intervals, or by red paint properly renewed when necessary.

(e.) The insulation of every complete circuit, other than telephone or signal wires, used for the supply of energy, including all machinery, apparatus, and devices forming part of or in connection with such circuit, shall be so maintained that the leakage-current shall, so far as is reasonably practicable, not exceed $\frac{1}{1000}$ of the maximum supply-current, and in the event of the leakage-current exceeding this maximum suitable steps shall be taken at once to localise it.

(f.) In every completed insulated circuit, earth or fault detectors shall be kept connected up in every generating and transforming station to show immediately any defect in the insulation of the system. These instruments shall be inspected daily by a competent person.

(g.) Main and distribution switch and fuse boards must be made of incombustible insulating-material, such as marble or slate free from metallic veins, and be fixed in as dry a situation as practicable.

(h.) Every subcircuit must be protected by a fuse on each pole, except in the case of the earthed neutral wire of a three-wire system, in which case the fuses may be on the outers only. Every circuit carrying more than 5 amperes up to 125 volts, or 3 amperes at any pressure above 125 volts, must be protected in one of the following alternative methods :—

(1.) By an automatic maximum cut-out on each pole.

(2.) By a detachable fuse on each pole, constructed in such a manner that it can be removed from a live circuit with the minimum risk of shock.

(3.) By a switch and fuse on each pole.

(i.) Fire-buckets, filled with clean, dry sand, shall be kept in electrical machine rooms ready for immediate use in extinguishing fires.

Except as hereinafter provided, no repair or cleaning of the live parts of any electrical apparatus, except mere wiping or oiling, shall be done when the current is on.

No departure from this regulation shall be allowed except when a stoppage of the current is, in the opinion of the manager, liable to involve danger. Such repairs shall be carried out subject to the manager's approval, and such special instructions as he may issue.

Gloves, mats, or shoes of indiarubber or other non-conducting material shall be supplied and used where the live parts of switches or machines working at a pressure exceeding the limits of low pressure have to be handled for the purpose of adjustment.

(j.) A competent person shall be on duty at the mine when the electrical apparatus or machinery is in use ; and at such time as the amount of electricity delivered down the mine exceeds 200-horse power, a competent person shall be on duty at the mine above ground, and another below ground. Every person appointed to work any electric apparatus shall have been instructed in his duty, and be competent for the work that he is set to do.

(k.) No person other than an authorised person shall enter a machine or motor room ; and no person shall wilfully damage, interfere with, or, without proper authority, remove or render useless any electric line, or any machine, apparatus, or part thereof, used in connection with the supply or use of electricity.

(l.) Instructions shall be posted up in every generating, transforming, and motor house containing directions as to the restoration of persons suffering from electric shock. All employees working in connection with the electrical apparatus shall be required to acquaint themselves with the instructions in question.

(m.) In mines in the underground workings of which electricity is used for power or lighting purposes, direct telephonic or other equivalent means of communication shall be provided between the surface and the shaft-bottom or main distributing centre underground.

(n.) Previous to the introduction into any mine of electricity for power or lighting, notice in writing must be sent to the Inspector of Mines. Notice must also be sent of any existing electric power or lighting installation at any mine within three months after the coming into force of these regulations.

(o.) A plan shall be kept at the mine showing the position of all permanent electrical machinery and cables in the mine, and shall be corrected as often as may be necessary to keep it up to a date not more than three months previous.

III. Generating-stations and Machine-rooms.

(a.) Where the generating-station under the control of the owner or manager of the mine is not within 400 yards of the shaft or mine mouth or entrance, an efficiently enclosed locked switch box or boxes, or a switch-house, shall, where reasonably practicable, be provided near the shaft or mine mouth or entrance for cutting off the supply of electricity to the mine.

(b.) There shall be a passage-way in front of the switchboard of not less than 3 ft. in width, and if there are any connections at the back of the switchboard any passage-way behind the switchboard shall not be less than 3 ft. clear. This space shall not be utilised as a store-room or a lumber-room, or obstructed in any manner by resistance-frames, meters, or otherwise. If space is required for resistance-frames or other electrical apparatus behind the board, the passage-way must be widened accordingly.

No cable shall cross the passage-way at the back of the board except below the floor, or at a height of not less than 7 ft. above the floor.

The space at the back of the switchboards shall be properly floored, accessible from each end, and, except in the case of low-pressure switchboards, must be kept locked up, but the lock must allow of the door being opened from the inside without the use of a key. The floor at the back shall be firm and even.

(c.) Every generator shall be provided with a switch on each pole between the generator and the bus-bars.

Suitable instruments shall be provided for measuring the current and pressure of each generator.

Every feeder connected to the bus-bars in the generating-station shall be furnished with an ammeter on the main switchboard.

(d.) If the transmission-lines from the generating-station to the shaft or mine-entrance are overhead, there shall be lightning-arresters in connection therewith.

(e.) Automatic cut-outs must be arranged so that when the contact lever opens outwards no danger exists of striking the head of the attendant. If unenclosed fuses are used, they must be placed within 2 ft. of the floor, or be otherwise suitably protected.

Where the supply is at a pressure exceeding the limits of medium pressure, there shall be no live metalwork on the front of the main switchboard within 8 ft. of the floor or platform, and the space provided under Regulation No. III, (b), of this section shall be not less than 4 ft. in the clear. Insulating floors or mats shall be provided for medium-pressure boards where live metalwork is on the front or back.

(f.) All terminals and live metal on machines over medium pressure above ground, and over low pressure under ground, where practicable, shall be protected with insulating covers or with metal covers connected to earth.

IV. Cables.

(a.) All conductors inside a mine, except as hereinafter provided, shall be continuously covered with insulating-material.

A continuously insulated cable must be so constructed that when a test-piece of it has been immersed in water for twenty-four hours it will, while still immersed, in the case of cables intended for low or medium pressures, withstand 2,000 volts for ten minutes between the conductor and the water, and between cores if there are more than one in the cable.

If the cable is intended for high or extra high pressure, twice the working-pressure shall be taken for this test.

Prior to the immersion the test-piece must have been bent six times (three times in one direction and three times in the opposite direction) round a cylindrical surface not more than twelve times the diameter of the finished cable.

(b.) The sectional area of conductors must be greater than that determined by the heating effect of the current required for the maximum number of motors or other current-using apparatus that can be used simultaneously on the circuit, except in the case of overhead wires upon the surface.

The size of the conductor will be determined in accordance with the table showing maximum current for copper conductors appended to these regulations, column 3 of which refers to cables having insulation of Class A, and column 4 to cables having insulation of Class B, according to the following definitions:—

(A.) A dielectric which is impervious to moisture, and only needs mechanical protection ("dielectric" does not include braiding or taping).

(B.) A dielectric which must be kept perfectly dry, and therefore needs to be encased in a waterproof sheath, generally of soft metal such as lead drawn closely over the dielectric.

Below ground, however, column 4 may be applied to cables having insulation of Class A, in cases where the atmospheric temperature never exceeds 100° Fahr.

(c.) All conductors (except as hereinafter provided) shall in every case be maintained completely insulated from earth, but it is permissible to use the concentric system with earthed outer conductors if proper arrangements are made to reduce the danger from fire or shock to the minimum, but the neutral point of polyphase systems and the middle wire of three-wire continuous-current systems may be earthed at one point.

(d.) Unless fixed as far as is reasonably practicable out of reach of injury, all conductors, other than armoured cables, must be further protected by a suitable covering. Where lead-covered cable is used the lead shall be earthed, and electrically continuous throughout.

The exposed ends of cables where they enter the terminals of switches, fuses, and other appliances must, as far as is reasonably practicable, be properly protected and finished off, so that moisture cannot creep along the insulating-material within the waterproof sheath, nor can the insulating-material if of an oily nature leak out of the cable.

(e.) All joints must be mechanically and electrically efficient, and, where reasonably practicable, must be suitably soldered. Wires, other than blasting wires or cables, must not be joined by merely twisting them together.

(f.) Overhead bare wires on the surface must be efficiently supported upon insulators and clear of any traffic, and provided with efficient lightning-arresters.

(g.) All cables used in shafts must be highly insulated and substantially fixed. Shaft cables not capable of sustaining their own weight shall be properly supported at intervals varying according to the weight of the cable. Where the cables are not completely boxed in and protected from falling material, space shall be left between them and the side of the shaft that they may yield and so lessen a blow given by falling material.

(h.) Where the cables in levels or main haulage-roads cannot be kept at least 1 ft. from any part of the truck or tram, they shall be specially protected. When separate cables are used they shall, if reasonably practicable, be fixed on opposite sides of the road.

The fixing with metallic fastenings of cables and wires not provided with metallic covering to walls or timbers is prohibited.

Where main or other roads are being repaired, or blasting is being carried out, suitable temporary protection must be used, so that the cables are reasonably protected from damage.

(i.) Trailing cables for portable machines shall be specially flexible, heavily insulated, and protected with either galvanised steel-wire armouring, extra stout braiding, hose-pipes, or other effective covering. Trailing cables shall be examined at least once in each shift by the person in charge of the machine, and any defects in them promptly repaired.

Except as hereinafter provided, at points where the flexible conductors are joined to the main cables, a fixed terminal box must be provided, and a switch shall be fixed close to or in the terminal box capable of entirely cutting off the supply from the terminal box and motor.

Suitable clips may, however, be used for the temporary connection of portable motors where the voltage does not exceed low pressure.

V. *Switches, Fuses, and Cut-outs.*

(a.) Fuses and automatic cut-outs shall be so constructed as effectually to interrupt the current when a short circuit occurs, or when the current through them exceeds by 200 per cent. the working-current in the case of motors, or by 100 per cent. the permissible current of the cables which the fuses protect. Fuses shall be stamped or marked, or shall have a label attached indicating the current with which they are intended to be used, or, where fuse-wire is used, each coil in use shall be so stamped or labelled. Fuses shall only be adjusted or replaced by an authorised person.

(b.) All switches, fuses, and cut-outs must have incombustible bases of marble, slate, or porcelain. All live parts of switches, fuses, and cut-outs not in machine-rooms, or in compartments specially arranged for the purpose, must be covered. These covers must be of incombustible material, and must be either non-conducting or of rigid metal, and, as far as practicable, clear of all internal mechanism.

(c.) Except as provided in Regulation IV, (i), all points at which a circuit other than those for signals has to be made or broken shall be fitted with proper switches. The use of hooks or other makeshifts is prohibited.

VI. *Motors.*

(a.) All motors, together with their starting resistances, shall be protected by switches capable of entirely cutting off the pressure and fixed in a convenient position near the motor, and every motor of 50-horse power or over in a machine-room underground shall be provided with a suitable ammeter to indicate the load put upon the machine.

(b.) Where the unarmoured cables or wires pass through metal frames or into boxes or motor-casings, the holes must be substantially bushed with insulating bushes, and, where necessary, with gas-tight bushings which cannot readily become displaced.

(c.) Terminal boxes or portable motors must be securely attached to the machine, or be designed to form a part thereof.

(d.) The casing or inspection-doors of all portable motors used underground, and the casings of their switches and other appliances, shall at least once a week be opened by a competent person appointed by the manager, and the parts so disclosed shall be cleaned and examined before the coverings are replaced. In special cases requiring a motor to run continuously longer than one week, the motor shall be examined at the end of the run. A report of all such examinations shall be entered in a report-book.

(e.) The person in charge of a drilling-machine shall not leave the machine while it is working, and shall, before leaving the working-place, see that the current is cut off from the trailing cables. No repairs shall be made to any portable machine until the pressure has been cut off from the trailing cables.

(f.) If, owing to any defect, any electric sparking or arc be produced outside a portable motor or by the cables or rails, the machine shall be stopped and not be worked again until the defect is repaired, and the occurrence shall be reported to an official of the mine.

VII. Electric Locomotives.

When electrical haulage by locomotives upon the trolley-wire system is used underground, no pressure exceeding the limits of low pressure shall be employed, except where an alternative road for travelling is provided, when medium pressure may be used.

In underground roads the trolley-wires must be placed so that they are at least 7 ft. above the level of the road or track, or the pressure must be cut off from the wires during such hours as the roads are used for travelling on foot in places where trolley-wires are fixed. The hours during which travelling on foot is permitted shall be clearly indicated by notices and signals placed in a conspicuous position at the ends of the roads. At other times no one other than a duly authorised person shall be permitted to travel on foot along the road.

When the current is on, no person shall be allowed to travel along a level or other underground excavation with any tool which, when carried on the shoulder, is of sufficient length to come into contact with the bare wires overhead.

On this system either insulated returns or uninsulated metallic returns of low resistance may be employed.

VIII. Electric Lighting.

(a.) Arc lamps shall only be used after written consent has been obtained from the Minister. They shall be so guarded as to prevent pieces of ignited carbon falling from them, and shall not be used in situations where there is likely to be danger of fire in consequence of their use. They shall be so screened as to prevent risk of contact with persons. The Minister may at any time withdraw the consent given under this regulation.

(b.) Small wires for lighting-circuits must be either conveyed in pipes or casings, or suspended from porcelain insulators, or tied to them with some non-conducting material which will not cut the covering, and so that they do not touch any timbering or metal-work. On no account must staples be used. If metallic pipes are used, they must be electrically continuous and earthed. If separate uncased wires are used, they must be kept at least 2 in. apart, and not brought together except at lamps, or switches, or fittings.

(c.) In all machine-rooms and other places underground, where a failure of electric light is likely to cause danger, some other suitable lights shall be kept for use in the event of such failure.

IX. Shot-firing.

Electricity from lighting or power cables shall not be used for firing shots.

When shot-firing cables or wires are used in the vicinity of power or lighting cables, sufficient precautions shall be taken to prevent the shot-firing cables or wires from coming in contact with the lighting or power cables.

(The foregoing regulations shall not apply to the telephone, telegraph, and signal wires, to which the rules of following section only shall apply.)

X. Signalling.

(a.) All proper precautions must be taken to prevent electric signal and telephone wires from coming into contact with other electric conductors, whether insulated or not.

(b.) Contact-makers or push buttons of electric signalling circuits shall be so constructed and placed as to prevent the circuit being accidentally closed.

Table showing Maximum Current for Copper Conductors.

1.	2.	3.	4.
Gauge. Number of Wires and Gauge in S.W.G. or Inches.	Section. Nominal Size of Conductors in Square Inches.	Amperes. Maximum Amperes for Conductors with Class A Insulation.	Amperes. Maximum Amperes for Conductors with Class B Insulation.
1/18	001810	3.2	4.2
3/22	001825	3.3	4.3
1/17	002463	4.0	5.4
3/20	003016	4.7	6.4
1/16	003217	4.9	6.8
1/15	004072	5.9	8.2
7/22	004266	6.2	8.5
1/14	005027	7.0	9.8
3/18	005364	7.3	10.3
7/20	007052	9.0	13.0
7/18	01254	14.0	21.0
19/20	01912	20.0	29.0
7/16	02227	22.0	33.0
19/18	03399	31.0	47.0
7/14	03483	31.0	48.0
7/095"	05	42.0	64.0
19/058"	05	42.0	64.0
19/16	06039	48.0	75.0
19/14	09442	68.0	108.0
19/082"	1	71.0	113.0
37/16	1176	81.0	130.0
19/092"	125	84.0	136.0
19/101"	15	96.0	158.0
37/072"	15	96.0	158.0
19/12	1595	102.0	166.0
37/14	1838	114.0	187.0
37/082"	2	121.0	200.0
61/15	2455	142.0	237.0
37/092"	25	145.0	241.0
37/101"	3	166.0	279.0
61/14	3029	168.0	282.0
37/12	3105	170.0	287.0
37/110"	35	187.0	317.0
37/118"	4	208.0	354.0
61/092"	4	208.0	354.0
61/101"	5	248.0	425.0
61/12	5120	252.0	433.0
61/110"	6	282.0	493.0
91/092"	6	282.0	493.0
91/098"	7	320.0	560.0
91/101"	75	340.0	592.0
91/104"	8	352.0	624.0
91/110"	9	390.0	688.0
91/11	9504	406.0	719.0
91/118"	1.0	424.0	750.0
127/101"	1.0	424.0	750.0

SCHEDULES.

FIRST SCHEDULE.

Form 1 (Reg. 2).

Under "The Mining Act, 1908."

MINER'S RIGHT.

[Block to be retained by the
officer.]

[To be issued to the applicant.]

MINER'S RIGHT, N.Z.

MINER'S RIGHT, N.Z.

Not extending to Native ceded
land.Not extending to Native ceded
land.

No. . .

No. . .

District and place of issue :

District :

To whom issued :

To whom issued : [Full name],
of [Residence].

of . . .

Date of issue :

Date of issue : day of ,
19 . . .

Date of expiry :

Date of expiry :

Fee paid : 5s.

Fee paid : 5s.

Initials and designation of
officer by whom issued :Dated and issued at
this day of ,
19 . . .Warden [or other designa-
tion of officer].

Form 2 (Reg. 2).

Under "The Mining Act, 1908."

CONSOLIDATED MINERS' RIGHT.

[Block.]

CONSOLIDATED MINERS'
RIGHT.CONSOLIDATED MINERS'
RIGHT, NEW ZEALAND.Not extending to Native ceded
land.Not extending to Native ceded
land.

No. . .

No. . .

District and place of issue :

District :

To whom issued :

To whom issued :
of [State, &c., as in
block].of [State whether as bene-
ficial or nominated holder,
and in the latter case state
full name or style of bene-
ficial holder, and in the case of
a mining partnership the full
name of every member there-
of at the date of issue].

Date of issue :

Date of issue :

Date of expiry :

Date of expiry :

Number of rights comprised :

Number of miners' rights
comprised herein :

Fee paid :

Fee paid :

Initials and designation of
officer by whom issued :Dated and issued at
this day of , 19 . . .Warden [or other designa-
tion of officer].

Form 3 (Reg. 2).

Under "The Mining Act, 1908."

MINER'S RIGHT.

[Block to be retained by the
officer.]

[To be issued to the holder.]

MINER'S RIGHT, NEW
ZEALAND.MINER'S RIGHT, NEW
ZEALAND.

Extending to Native ceded land.

Extending to block of Native
ceded land.

No. . .

No. . .

District and place of issue :

District :

To whom issued :

To whom issued : [Full name],
of [Residence].

of . . .

Date of issue :

Date of issue : day of ,
19 . . .

Date of expiry :

Date of expiry :

Block of Native ceded land to
which the right extends :Block of Native ceded land to
which this miner's right ex-
tends :

Fee paid :

Fee paid :

Initials and designation of
officer by whom issued :Dated and issued at
this day of , 19 . . .Warden [or other designa-
tion of officer].

Form 4 (Reg. 2).

Under "The Mining Act, 1908."

CONSOLIDATED MINERS' RIGHT.

[Block.]

CONSOLIDATED MINERS'
RIGHT.CONSOLIDATED MINERS'
RIGHT, NEW ZEALAND.Extending to Native ceded land.
No. . .Extending to Native ceded land.
No. . .

District and place of issue :

District :

To whom issued :

To whom issued :

of [State whether as
beneficial or nominated
holder, and in the latter case
state full name or style of
beneficial holder, and in the
case of a mining partner-
ship the full name of every
member thereof at the date of
issue].of [State, &c., as in
block].

Date of issue :

Date of issue :

Date of expiry :

Date of expiry :

Block of Native ceded land to

Block of Native ceded land to

which the right extends :

which this right extends :

Number of rights comprised :

Number of miners' rights
comprised herein :

Fee paid :

Fee paid :

Initials and designation of
officer by whom issued :Dated and issued at
this day of , 19 . . .Warden [or other designa-
tion of officer].

Form 5 (Reg. 7).

Under "The Mining Act, 1908."

APPLICATION FOR PROSPECTING WARRANT IN RESPECT OF
NATIVE LAND.

To the Minister of Mines.

PURSUANT to "The Mining Act, 1908," the undersigned
[Full name, residence, and occupation] hereby applies to His
Excellency the Governor for a prospecting warrant in re-
spect of the following Native land :—[Here specify and identify each block with reasonable parti-
cularity by reference to its area, situation, and ownership.]The sum of £3 is forwarded herewith to abide the disposal
of this application.

Date and number of miner's right :

Address for service :

Dated at , this day of , 19 . . .

Signature of applicant :

A. B.

[Or, as the case may be,

A. B.

(by his Solicitor or Registered Agent, C. D.).]

Form 6 (Reg. 7).

Under "The Mining Act, 1908."

APPLICATION FOR PROSPECTING LICENSE IN RESPECT OF
NATIVE LAND.[As in Form 5, with the requisite modifications, adding a
statement that the land has been duly marked out, and specify-
ing in the case of a tunnel prospecting license the estimated
length, position, and proposed course of the tunnel.

The sum to be forwarded is £5 in lieu of £3.

Form 7 (Reg. 7).

Under "The Mining Act, 1908."

APPLICATION FOR PROSPECTING WARRANT IN RESPECT OF
OTHER THAN NATIVE LAND.[If the land (not being Native land) is situate wholly out-
side a mining district the application (as also every application
for a prospecting license or a mining privilege in respect of
water) must be made to the Commissioner of Crown Lands of
the land district, and the forms must be altered accordingly.]

To the Warden of the Mining District, at
 PURSUANT to "The Mining Act, 1908," the undersigned
 [Full name, residence, and occupation] hereby applies for a
 prospecting warrant in respect of the following land (being
 other than Native land):—

[Here specify and identify the land with reasonable particularity by reference to its area, situation, and ownership.]

Precise time of marking out privilege applied for: [e.g.,
 6th August, 1900, at 2.30 p.m.].

Date and number of miner's right:

Address for service:

Dated at , this day of , 19 .

Signature of applicant:

A. B.

[Or, as the case may be,

A. B.

(by his Solicitor or Registered Agent, C. D.).]

Precise time of filing of the foregoing application:

Time and place appointed for the hearing of the application
 and all objections thereto: [e.g., Thursday, 23rd August,
 1900, at 10 a.m., at Warden's Court at].

Objections must be filed in the Registrar's office and
 notified to applicant at least three days before the time so
 appointed.

, Mining Registrar.

Form 8 (Reg. 7).

Under "The Mining Act, 1908."

APPLICATION FOR PROSPECTING LICENSE IN RESPECT OF OTHER THAN NATIVE LANDS.

[As in Form 7, with the requisite modifications, adding a
 statement that the land has been duly marked out, and specifying
 in the case of a tunnel prospecting license the estimated
 length, position, and proposed course of the tunnel.]

Form 9 (Reg. 7).

Under "The Mining Act, 1908."

PROSPECTING WARRANT IN RESPECT OF NATIVE LAND.

PURSUANT to "The Mining Act, 1908," His Excellency the
 Governor of the Colony of New Zealand hereby grants to
 [Full name, residence, and occupation] this prospecting warrant,
 conferring upon him, whilst this warrant continues in
 force, the non-exclusive right to enter and prospect for gold
 and any other metal or mineral on all that parcel of Native
 land [Here describe the land].

The term of this warrant is one year, commencing on the
 date hereof, and the warrant is granted subject to the terms,
 conditions, reservations, and provisions set out in the afore-
 said Act and the regulations thereunder.

In witness whereof the Minister of Mines, for and on be-
 half of His Excellency the Governor, hath hereunto signed
 his name, this day of , 19 .

, Minister of Mines.

Form 10 (Reg. 7).

Under "The Mining Act, 1908."

PROSPECTING WARRANT IN RESPECT OF OTHER THAN NATIVE LAND.

PURSUANT to "The Mining Act, 1908," I, the undersigned,
 , a Warden of the Mining District, do hereby
 grant to [Full name, residence, and occupation] this prospect-
 ing warrant, conferring upon him, whilst this warrant continues
 in force, the non-exclusive right to enter and prospect for gold
 and any other metal or mineral on the land specified in the
 Schedule hereto.

The term of this warrant is one year, commencing on the
 date hereof, and the warrant is granted subject to the terms,
 conditions, reservations, and provisions set out in the afore-
 said Act and the regulations thereunder.

In witness whereof I have hereunto signed my name, and
 affixed the seal of the Warden's Court at , this
 day of , 19 .

SCHEDULE.

[Describe and identify the land with reasonable particularity
 by reference to its area, situation, and ownership.]

, Warden.

Form 11 (Reg. 7).

Under "The Mining Act, 1908."

ORDINARY PROSPECTING LICENSE IN RESPECT OF NATIVE LAND.

PURSUANT to "The Mining Act, 1908," His Excellency the
 Governor of the Dominion of New Zealand hereby grants to
 [Full name, residence, and occupation] this ordinary prospect-
 ing license, conferring upon the licensee, whilst this license
 continues in force, the exclusive right to enter and prospect for
 gold and any other metal or mineral on the Native land speci-
 fied in the Schedule hereto.

The term of this license is one year, commencing on the
 date hereof, and the license is granted subject to the terms,
 conditions, reservations, and provisions set out in the afore-
 said Act and the regulations thereunder.

In witness whereof the Minister of Mines, for and on behalf
 of His Excellency the Governor, hath hereunto signed his
 name, this day of , 19 .

SCHEDULE.

[Describe and identify the land with reasonable particularity
 by reference to its area, situation, and ownership.]

, Minister of Mines.

Form 12 (Reg. 7).

Under "The Mining Act, 1908."

ORDINARY PROSPECTING LICENSE IN RESPECT OF OTHER THAN NATIVE LAND.

PURSUANT to "The Mining Act, 1908," I, the undersigned,
 , a Warden of the Mining District, do hereby
 grant to [Full name, residence, and occupation] this ordinary
 prospecting license, conferring upon the licensee, whilst this
 license continues in force, the exclusive right to enter and
 prospect for gold and any other metal or mineral on the
 land specified in the Schedule hereto [i.e., as in Form 10].

Form 13 (Reg. 7).

Under "The Mining Act, 1908."

TUNNEL PROSPECTING LICENSE IN RESPECT OF NATIVE LAND.

PURSUANT to "The Mining Act, 1908," His Excellency the
 Governor of the Dominion of New Zealand hereby grants to
 [Full name, residence, and occupation] this tunnel prospecting
 license, conferring upon the licensee, whilst this license con-
 tinues in force, the exclusive right to enter and prospect for
 gold or any other metal or mineral on the Native land speci-
 fied in the Schedule hereto.

The term of this license is two years, commencing on the
 date hereof, and the license is granted subject to the pro-
 visions for renewal and other the terms, conditions, reserva-
 tions, and provisions set out in the aforesaid Act and the
 regulations thereunder.

The license fee of £ is payable annually in advance
 whilst the license or its renewal continues in force.

In witness whereof the Minister of Mines [i.e., as in
 Form 11].

Form 14 (Reg. 7).

Under "The Mining Act, 1908."

TUNNEL PROSPECTING LICENSE IN RESPECT OF OTHER THAN NATIVE LAND.

PURSUANT to "The Mining Act, 1908," I, the undersigned,
 , a Warden of the Mining District, do hereby
 grant to [Full name, residence, and occupation] this tunnel
 prospecting license, conferring upon the licensee, whilst this
 license continues in force, the exclusive right to enter and
 prospect for gold and any other metal or mineral on the
 land specified in the Schedule hereto.

The term of this license is two years, commencing on the
 date hereof, and the license is granted subject [i.e., as in
 Form 13].

In witness whereof [i.e., as in Form 10].

Form 15 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR LICENSE FOR A CLAIM.

To the Warden of the Mining District, at

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*] hereby applies for a license for a claim, as specified in the Schedule hereto, in respect of the land therein referred to, which has been duly marked out for the purpose.

Date and number of miner's right :

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

Class and subdivision of claim :*

Style under which claim is to be worked :

Proposed mode of working :

Proposed term of license :

Locality where land is situated, with its boundaries, measurements, and area :

* *E.g.*, ordinary alluvial claim, extended quartz claim, special dredging claim, or otherwise, as the case may be.

[*Signature of applicant, &c., as in Form 7.*]Precise time, &c. [*as in Form 7.*]

Form 16 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR LICENSE FOR A WATER-RACE.

To the Warden of the Mining District, at

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*] hereby applies for a license for a water-race, as specified in the Schedule hereto, the course whereof has been duly marked out for the purpose.

Date and number of miner's right :

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

Locality of the race, and of its starting and terminal points :

Length and intended course of race :

Points of intake :

Estimated time and cost of construction :

Mean depth and breadth :

Number of heads to be diverted :

Purpose for which water is to be used :*

Proposed term of license :

* *E.g.*, mining purposes, irrigation, or otherwise, as the case may be.

[*Signature of applicant, &c.*]

Precise time, &c.

Form 17 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR LICENSE FOR A TAIL-RACE [or MAIN TAIL-RACE].

[*As in Form 16, with all necessary modifications, including Schedule, as follows.*]

Locality of the race, and of its starting and terminal points :

Length and intended course of race :

Its greatest depth and breadth :

Estimated time and cost of construction :

Proposed term of license :

[*If a main tail-race.*] The persons by whom and the terms upon which the race is to be used :

Form 18 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR LICENSE FOR A DAM.

[*As in Form 15, with all necessary modifications, including Schedule, as follows.*]

SCHEDULE.

Locality of dam :

Particulars of dam, viz. :—

Length of dam-wall :

Greatest height of same :

Breadth of same at base :

Length and width of water-area :

Estimated time and cost of construction :

Proposed term of license :

Purpose for which water is to be stored :

Form 19 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR LICENSE FOR RESIDENCE-SITE [or BUSINESS-SITE].

[*As in Form 15, with all necessary modifications, including Schedule, as follows.*]

SCHEDULE.

Locality where land is situate, with its boundaries, measurements, and area :

Proposed term of license :

Form 20 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR LICENSE FOR A SPECIAL SITE.

[*As in Form 15, with all necessary modifications, including Schedule, as follows.*]

SCHEDULE.

Locality where special site is situate, with its boundaries measurements, and area :

Purpose for which special site is to be used :

Claim in connection with which the special site is to be used :

Proposed term of license :

Form 20A (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR A MINERAL LICENSE.

[*As in Form 15, with all necessary modifications, including Schedule, as follows.*]

SCHEDULE.

Locality where license is situate, with its boundaries, measurements, and area :

Form 21 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION TO SURRENDER MINING PRIVILEGE[S] ABSOLUTELY.

To the Warden of the Mining District, at

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*], being the holder of the mining privilege[s] specified in the Schedule hereto, hereby applies to surrender the same absolutely, and not for the purpose of exchange.

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

Name of Mining Privilege.	Locality.	Existing Instrument of Title, with Date and Registered Number.	Whether Instrument is produced or not.

Precise time, &c.

[*Signature of applicant, &c.*]

Form 22 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR EXCHANGE FOR TITLE UNDER "THE MINING ACT, 1905."

To the Warden of the Mining District, at .

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*], being the holder of the mining privilege specified in the Schedule hereto, hereby applies to surrender the same, and to obtain in substitution therefor a license for a corresponding mining privilege under that Act.

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

Name of mining privilege proposed to be surrendered, and the Act under which the title is held :

Locality and area of mining privilege :

Existing instrument of title, with date and registered number :

Whether instrument produced or not :

Time from which priority is claimed :

Name of proposed corresponding mining privilege :

Proposed term of new license :

[*Signature of applicant, &c.*]

Precise time of filing application—*e.g.*, 6th August, 1900, at 2.30 p.m.

Time and place, &c.

Form 23 (Reg. 33).

Under "The Mining Act, 1908."

APPLICATION FOR AMALGAMATION OF CLAIMS.

To the Warden of the Mining District, at .

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*], being the holder of the claims specified in the Schedule hereto, and being desirous of facilitating the working thereof and simplifying the titles thereto, hereby applies to surrender the same, and to obtain in substitution therefor a license for an amalgamated claim.

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

Name, Locality, and Area of each Claim proposed to be amalgamated.	Existing Instrument of Title, with Date and Registered Number, and whether produced or not.	Amount expended on each Claim.	Boundaries, Measurements, and Area of Amalgamated Claim.	Proposed Term of New License.

[*Signature of applicant, &c.*]

Precise time of filing application, &c.

Time and place, &c.

Form 24 (Regs. 33 and 63).

Under "The Mining Act, 1908."

APPLICATION FOR CERTIFICATE OF REDUCTION.

To the Warden of the Mining District, at .

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*], being the holder of the claim specified in the Schedule hereto, hereby applies for a certificate reducing to the extent and for the period therein specified, or to such lesser extent and for such lesser period as the Warden thinks fit, the prescribed minimum number of workmen to be employed in working the said claim.

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

Name, locality, and area of claim :

Title under which claim is held, with registered number (if any) :

Date when originally taken up :

Present prescribed minimum number of workmen :

Extent of reduction desired (being the maximum number that can reasonably be employed) :

Period for which the reduction is desired :

[*Signature of applicant, &c.*]

Precise time of filing application, &c.

Time and place, &c.

Form 25 (Regs. 33 and 65).

Under "The Mining Act, 1908."

APPLICATION FOR CERTIFICATE OF PROTECTION.

To the Warden of the Mining District, at .

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*] hereby applies for a protection certificate for the period of in respect of the mining privilege[s] specified in the Schedule hereto.

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

Name and Locality of Privilege.	Title under which Privilege is held, with Date and Registered Number	Date at which Occupation commenced.	Whether Privilege has or has not been used, and, in former Case, during what Period	Whether the Privilege has or has not been protected before, and, in former Case, during what Period.	Cause for which Protection is required.

[*Signature of applicant, &c.*]

Precise time of filing application, &c.

Time and place, &c.

Form 26 (Regs. 33 and 67).

Under "The Mining Act, 1903."

APPLICATION FOR CERTIFICATE OF EASEMENT.

To the Warden of the Mining District, at .

PURSUANT to "The Mining Act, 1908," the undersigned [*Full name, residence, and occupation*], being the holder of the following mining privilege—[*Specify its name, locality, and registered number*—]hereby applies for a certificate of easement in respect of the land specified in the First Schedule hereto, which has been duly marked out for the purpose, and is portion of the mining privilege specified in that Schedule.

The works to be constructed and the rights to be exercisable under the certificate of easement are as specified in the Second Schedule hereto.

Address for service :

Dated at , this day of , 19 .

FIRST SCHEDULE.

[*Specify the land with reasonable particularity, as also the name, locality, registered number (if any), and holder of the mining privilege in which such land is comprised.*]

SECOND SCHEDULE.

[*Specify with reasonable particularity the works to be constructed and the rights to be exercised under the certificate.*]

[*Signature of applicant, &c.*]

Precise time of filing application, &c.

Time and place, &c.

Form 27 (Reg. 33).

Under "The Mining Act, 1908."

OBJECTION TO AN APPLICATION.

In the matter of an application numbered _____ in the Application Record-book, at _____, for [Here state nature of application to which objection is made].

THE undersigned [Full name, residence, and occupation] hereby gives notice that he objects to the granting of the above-described application, and the following are the grounds of his objection, namely,—

[Here set out grounds of objection clearly, concisely, and in consecutive paragraphs.]

Address for service:

Dated at _____, this _____ day of _____, 19 _____.

[Signature of objector, &c.]

Form 28 (Reg. 33).

Under "The Mining Act, 1908."

DECLARATION WHERE APPLICANT DOES NOT DESIRE TO APPEAR.

In the matter of an application numbered _____ in the Application Record-book at _____, for [State subject-matter of application].

I, A. B. [Full name, residence, and occupation], do hereby solemnly and sincerely declare as follows:—

1. That I am the applicant [or one of the applicants] named in the above-described application.

2. That all the statements contained in the application are true.

3. That all prescribed provisions as to marking out the ground referred to in the application, posting notices thereon, serving notices on all persons affected, and otherwise, have been duly observed, in so far as is required by law.

4. That the ground applied for does not cross any road or street, and is Crown land open for mining within the meaning of "The Mining Act, 1908."

5. That I believe myself [or the applicants] to be entitled to the grant of the application, and know of no valid objection thereto.

6. That, so far as I am aware, no public or private rights will be prejudicially affected by the grant of the application.

7. [Here set out such other facts as may be necessary.]

And I make this solemn declaration conscientiously believing the same to be true, under and by virtue of the provisions of an Act of the General Assembly of New Zealand intituled "The Justices of the Peace Act, 1908."

A. B.

Declared at _____, this _____ day of _____, 19 _____, before me—_____, a Justice of the Peace for the Dominion of New Zealand [or as the case may be].

Form 29 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A CLAIM OTHER THAN AN ORDINARY CLAIM.

PURSUANT to "The Mining Act, 1908," I, the undersigned, _____, a Warden of the _____ Mining District, do hereby grant to [Full name, residence, and occupation] this license for [Set out class and subdivision of claim—e.g., a Special Dredging Claim, an Extended Quartz Claim, or otherwise, as the case may be, not being an ordinary claim], in respect of the land described in the First Schedule hereto.

This license is granted for a term of _____ years, commencing on the date hereof, subject to the payment of the rent as specified in the Second Schedule hereto, and also to the terms, conditions, reservations, and provisions set out in the aforesaid Act and the regulations thereunder, and to such additional terms, conditions, reservations, and provisions as are specified in the Third Schedule hereto.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at _____, this _____ day of _____, 19 _____.

FIRST SCHEDULE.

All that area of land in the _____ Mining District, containing by admeasurement _____ acres _____ roods and _____ perches, more or less, situate [Here set out section, block, survey district, boundaries, and measurements; and, if land is surveyed, affix plan].

F

SECOND SCHEDULE.

1. A rental in respect of each acre or portion thereof at the rate of 2s. 6d. a year for the period elapsing between the date hereof and the last day of June [or December] ensuing after the expiration of one year from the date hereof, 5s. for the next succeeding year, and 7s. 6d. for each subsequent year during the term of the license: the amount of the rental being—for the first year, £ _____; for the next succeeding year, £ _____; and for each subsequent year, £ _____. In case of Native land, a rental in respect of each acre or portion thereof at the rate of 1s. per annum, the amount of the rental for each year being £ _____.

2. All payments in respect of the aforesaid rent have been duly made up to the last day of June [or December] next following the date of this license, and the subsequent payments are to be made by half-yearly instalments in advance, the first half-yearly instalment being due and payable in advance on the last day of June [or December] aforesaid.

THIRD SCHEDULE.

1. The right of the public to use all tracks over and across the land held under this license for so long and until proper roads are provided and open for public traffic is reserved.

2. The right to take all roads for public purposes which shall, in the opinion of the Warden, be necessary is reserved without any claim for compensation, except where such roads may interfere with workings actually in use; and the licensee shall also take out and hold in his own name a miner's right relating to Native ceded land in respect of every person employed in mining on such area, whether on wages or as a tributer or as a contractor.

3. That the owner hereof will *bona fide* and continuously work the claim by carrying on mining operations for gold hereon with reasonable diligence and skill, and will commence such operations within _____ from the date of this license.

[Set out additional terms, &c., if any.]

_____, Warden.

Form 30 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR AN ORDINARY CLAIM.

[As in Form 29, omitting all references to rent, and making all other necessary modifications.]

Form 31 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A WATER-RACE.

PURSUANT to "The Mining Act, 1908," I, the undersigned, _____, a Warden of the _____ Mining District, do hereby grant to [Full name, residence, and occupation] this license for a water-race, as specified in the First Schedule hereto.

This license is granted for a term of _____ years, commencing on the date hereof, subject to the terms, conditions, reservations, and provisions set out in the aforesaid Act, and the regulations thereunder, and also to such additional terms, conditions, reservations, and provisions as are specified in the Second Schedule hereto.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at _____, this _____ day of _____, 19 _____.

FIRST SCHEDULE.

[Set out locality of race and nature of the proposed work as set forth in application, modified, however, so as to accord with the grant, adding such other particulars as are necessary, including plan of land if surveyed, number of heads authorised to be diverted, and purpose for which water is to be used.]

SECOND SCHEDULE.

[Set out additional terms, &c., if any.]

_____, Warden.

Form 32 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A TAIL-RACE [OR MAIN TAIL-RACE].

[As in Form 31, with all necessary modifications.]

Form 33 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A DAM.

[As in Form 31, with all necessary modifications.]

Form 34 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A BUSINESS-SITE.

PURSUANT to "The Mining Act, 1908," I, the undersigned, a Warden of the Mining District, being of the opinion that the land specified in the First Schedule hereto is not required for mining purposes, and that the grant of this license will not interfere prejudicially with mining operations, do hereby grant to *[Full name, residence, and occupation]* this business-site license in respect of the said land.

This license is granted for a term of years, commencing on the date hereof, subject to the payment of an annual license fee of £3, in manner specified in the Second Schedule hereto, and subject also to the terms, conditions, reservations, and provisions set out in the aforesaid Act, and the regulations thereunder, and to such additional terms, conditions, reservations, and provisions as are specified in the Third Schedule hereto.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at this day of , 19 .

FIRST SCHEDULE.

[Describe land with reasonable particularity by reference to area, situation, and measurements; and, if land is surveyed, affix plan.]

SECOND SCHEDULE.

[Set out as in paragraph 2 of Second Schedule to Form 29, substituting "license fee" for "rent."]

THIRD SCHEDULE.

[Set out additional terms, &c., if any.]

, Warden.

Form 35 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A RESIDENCE-SITE.

PURSUANT to "The Mining Act, 1908," I, the undersigned, a Warden of the Mining District, being of the opinion that the land specified in the First Schedule hereto is not required for mining purposes, and that the grant of this license will not interfere prejudicially with mining operations, do hereby grant to *[Full name, residence, and occupation]* this residence-site license in respect of the said land.

This license is granted for a term of years, commencing on the date hereof, subject to the payment, in advance, of an annual license fee of *[Same as fee for a miner's right]*, but so that the licensee shall not for any period during which he is the holder of a miner's right be liable to pay the said license fee; and subject, further, to the terms, conditions, reservations, and provisions set out in the aforesaid Act, and the regulations thereunder, and to such additional terms, conditions, reservations, and provisions as are specified in the Second Schedule hereto.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at this day of , 19 .

FIRST SCHEDULE.

[Describe land as in Form 34.]

SECOND SCHEDULE.

[Set out additional terms, &c., if any.]

, Warden.

Form 36 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A SPECIAL SITE.

PURSUANT to "The Mining Act, 1908," I, the undersigned, a Warden of the Mining District,

being of the opinion that the land described in the First Schedule hereto is not required for mining purposes, and that the grant of this license will not interfere prejudicially with mining operations, do hereby grant to *[Full name, residence, and occupation]* this special-site license in respect of the said land, authorising the licensee to use the said land as *[Here state whether battery-site, machine-site, site for the deposit or treatment of gold or tailings, or otherwise, as the case may be]* in order to facilitate mining operations on the claim referred to in the First Schedule hereto or any other claim hereafter held by the licensee.

This license is granted for a term of years, commencing on the date hereof, subject to the terms, conditions, reservations, and provisions set out in the aforesaid Act, and the regulations thereunder, and to such additional terms, conditions, reservations, and provisions as are specified in the Second Schedule hereto.

In witness whereof I have hereunto subscribed my name and affixed the seal of the Warden's Court at this day of , 19 .

FIRST SCHEDULE.

[Describe land as in Form 34, adding name and locality of licensee's claim.]

SECOND SCHEDULE.

[Set out the terms, &c., if any.]

, Warden.

Form 37 (Reg. 33).

Under "The Mining Act, 1908."

MINERAL LICENSE.

PURSUANT to "The Mining Act, 1908," I, the undersigned, a Warden of the Mining District, do hereby grant to A. B. *[Name of applicant]*, of *[Residence and occupation]*, this mineral license, authorising the licensee to occupy the parcel of Crown land described in the First Schedule hereto for the purpose of mining for *[Here specify each metal or mineral, which must be other than gold]*.

This license is granted for a term of years, commencing on the date hereof, subject to the payment of the rental and royalty as specified in the Second Schedule hereto, and subject also to the reservations, terms, conditions, and provisions set out in the said Act and in the regulations thereunder, and to the additional terms, reservations, conditions, and provisions specified in the Third Schedule hereto.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at *[Place]*, this day of , 19 .

FIRST SCHEDULE.

All that area of Crown land, containing by admeasurement *[Describe land with reasonable particularity by reference to area, situation, and measurements; and, if land is surveyed, affix plan.]*

SECOND SCHEDULE.

1. A yearly rental of (being at the rate of 2s. 6d. for every acre or fraction of an acre of the land) during the term of the license, all payments in respect thereof having been duly made up to the last day of June *[or December]* next following the date of the license, and the subsequent payments to be made by equal half-yearly instalments of in advance, computed from the last day of June *[or December]* aforesaid; and also

2. A royalty of *[State rate, being not less than one-hundredth nor more than one twenty-fifth]* of the value, at the pit's mouth, of all the specified metals and minerals raised pursuant to the license.

3. The royalty shall be due and payable on the same days and for the same periods as the instalments of rent accruing due after the date hereof:

Provided that the first such payment of royalty shall be due and payable on the same day as the first half-yearly instalment of rent, and be in respect of the royalty for the period elapsing between the date of this license and such day:

Provided, further, all sums paid in respect of royalty for any period shall, to the extent of the rent payable for the same period, be deemed to be in or towards satisfaction of such rent.

THIRD SCHEDULE.

1. On the last day of June [or December] next following the date of the license, and at half-yearly intervals thereafter during the term thereof, the licensee shall make to the Receiver of Gold Revenue at true and accurate returns of all metals and minerals during the preceding half-year raised pursuant to this license, and of the value thereof at the pit's mouth.

2. The licensee shall at all times during the currency of the license duly carry out and observe all such provisions contained in "The Mining Act, 1908," as are applicable to mineral licenses or the holders thereof.

3. All the provisions of "The Mining Act, 1908," and the regulations made thereunder, for securing payment of the aforesaid rent and royalty, for insuring the regular, proper, and efficient carrying-on of mining operations on the land the subject of this license, and for the inspection of all mines and workings therein and thereon, and for the forfeiture or abandonment of this license, shall be deemed to form part of this license, and to be incorporated herein.

[Here leave space for additional terms, &c., imposed by Warden.]

, Warden.

Form 38 (Reg. 33).

Under "The Mining Act, 1908."

LICENSE FOR A [Tunnel, Tramway, Road, or other mining privilege for which no form is elsewhere provided].

PURSUANT TO "The Mining Act, 1908," I, the undersigned, , a Warden of the Mining District, do hereby grant to [Full name, residence, and occupation] this license, authorising the licensee to construct, maintain, and use the mining privilege specified in the First Schedule hereto.

This license is granted for a term of years, commencing on the date hereof, subject to the terms, conditions, reservations, and provisions set out in the aforesaid Act and the regulations thereunder, and to such additional terms, conditions, reservations, and provisions as are specified in the Second Schedule hereto.

In witness whereof, &c.

FIRST SCHEDULE.

Description of the Mining Privilege, and of the Land to which it relates.

[Describe the privilege, land, and proposed work, as set out in the application—modified, however, so as to accord with the grant—adding such other particulars as are necessary.]

SECOND SCHEDULE.

[Set out additional terms, &c., if any.]

, Warden.

Form 39 (Reg. 57).

Under "The Mining Act, 1908."

LICENSE FOR MINING PRIVILEGE GRANTED IN EXCHANGE OF TITLE UNDER FORMER MINING ACT.

[The ordinary form of license, with the addition of the following memorandum, to be noted or indorsed thereon under the hand of the Warden and the seal of the Court.]

MEMORANDUM.

The above license is granted in exchange for [Specify name, title, and registered number of surrendered mining privilege] (which has been duly surrendered for the purpose of such exchange), and confers the same priorities, and is subject to the same encumbrances, liens, and interests as in the case of the surrendered mining privilege—to wit, the following:—

[Set out the necessary particulars of the priorities, encumbrances, liens, and interests, if any.]

, Warden.

Form 40 (Reg. 57).

Under "The Mining Act, 1908."

LICENSE FOR AMALGAMATED CLAIM.

[The ordinary form of license, with the following memorandum to be noted or indorsed thereon under the hand of the Warden and the seal of the Court.]

MEMORANDUM.

The above license is granted in amalgamation of the following claims—[Specify name, title, registered number, and area of each surrendered claim] (which have been duly surrendered for the purposes of such amalgamation)—and confers the same priorities, and is subject to the same encumbrances, liens, and interests as in the case of the surrendered claims—to wit, the following:—

[Set out the necessary particulars of the priorities, encumbrances, liens, and interests, if any.]

, Warden.

Form 41 (Reg. 57).

Under "The Mining Act, 1908."

MINUTE OF SURRENDER OF MINING PRIVILEGE.

[To be noted or indorsed on the surrendered license under the hand of the Warden and the seal of the Court.]

SURRENDERED absolutely [or, as the case may be, for purposes of exchange or amalgamation] this day of , 19 , pursuant to application in this behalf.

, Warden.

Form 42 (Reg. 57).

[If the surrendered license is lost and cannot be produced, the minute of surrender is to be by separate instrument, under the hand of the Warden and the seal of the Court, as follows.]

THIS is to certify that, pursuant to application in this behalf, the mining privilege[s] specified in the Schedule hereto is [are] this day surrendered absolutely [or, as the case may be, for purposes of exchange or amalgamation].

Dated at , this day of , 19 .

SCHEDULE.

[Set out name, locality, title, registered number, and holder of mining privilege(s) surrendered.]

, Warden.

Form 43 (Reg. 57).

Under "The Mining Act, 1908."

DECLARATION TO ACCOMPANY APPLICATION INVOLVING SURRENDER, WHETHER ABSOLUTELY OR FOR PURPOSES OF EXCHANGE OR AMALGAMATION, WHERE ALL OR ANY OF THE INSTRUMENTS OF TITLE ARE LOST.

In the matter of an application by involving surrender of title, which application is numbered in the Application Record-book at , in the Mining District.

I, A. B. [Full name, residence, and occupation], do hereby solemnly and sincerely declare as follows:—

- (1.) That I am the applicant [or one of the applicants] named in the above-described application.
- (2.) That I have made diligent search for such of the instruments of title referred to in the said application as are described in the Schedule hereto, but cannot find the same, and believe the same to be irrecoverably lost.
- (3.) That the said instruments have not been lodged or deposited with any person for purpose of security for money or otherwise.

And I make this solemn declaration, conscientiously believing the same, under and by virtue of "The Justices of the Peace Act, 1908."

SCHEDULE.

[Set out date, name, and registered number of each instrument of title.]

Declared at , this day of , 19 , before me— , a Justice of the Peace for the Dominion of New Zealand [or as the case may be].

Form 44 (Regs. 11 and 59).

Under "The Mining Act, 1908."

APPLICATION FOR RENEWAL OF LICENSE FOR MINING PRIVILEGE.

To the Warden of the Mining District, at

PURSUANT to "The Mining Act, 1903," the undersigned [*Full name, residence, and occupation*], being the holder of the license specified in the Schedule, hereby applies for a renewal thereof for a term of years, commencing on the expiry of the current term.

Address for service:

Dated at , this day of , 19 .

SCHEDULE.

Particulars of Current License.

Date and registered number:

Name and locality of mining privilege:

Date of expiry of term:

[Signature of applicant, &c.]

Form 45 (Reg. 63).

Under "The Mining Act, 1908."

CERTIFICATE OF REDUCTION.

THIS is to certify that, pursuant to "The Mining Act, 1908," and on the application of [*Full name and residence of holder of claim*], being the holder of the claim specified in the Schedule hereto, the prescribed minimum number of workmen to be employed therein is hereby reduced to for the period of , commencing on the date hereof.

In witness whereof I have hereunto signed my name, and affixed the seal of the Warden's Court at , this day of , 19 .

SCHEDULE.

Title under which claim is held, with date and registered number:

Name of claim:

Its locality and area:

Date when originally taken up

, Warden.

Form 46 (Reg. 65).

Under "The Mining Act, 1908."

CERTIFICATE OF PROTECTION.

THIS is to certify that, pursuant to "The Mining Act, 1908," I have this day granted protection to [*Here set out in full names of holder of mining privilege(s) protected*] in respect of the mining privilege[s] specified in the Schedule hereto, for a period of , commencing on the day of , 19 .

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at , this day of , 19 .

SCHEDULE.

Name of Privilege in respect of which Protection is granted.	Locality.	Title and Registered Number.

, Warden.

Form 47 (Reg. 67).

Under "The Mining Act, 1908."

CERTIFICATE OF EASEMENT.

PURSUANT to "The Mining Act, 1908," I, the undersigned, a Warden of the Mining District, do hereby grant to [*Full name, residence, and occupation*], as holder of the mining privilege specified in the First Schedule hereto, this certificate of easement, authorising him as such holder, and for the purpose of facilitating his mining operations in

connection with such mining privilege, to enter upon, occupy, and use the land specified in the Second Schedule hereto (being portion of the land comprised in the mining privilege specified in that Schedule, for all or any of the purposes specified in the Third Schedule hereto).

This certificate is granted subject to the terms, conditional reservations, and provisions set out in the aforesaid Act and the regulations thereunder, and also to such additions, terms, conditions, reservations, and provisions as are specified herein or in the Fourth Schedule hereto.

The rights exercisable under this certificate shall be deemed to be appurtenant to the mining privilege specified in the First Schedule hereto, and accordingly this certificate shall not be transferable apart from such privilege, and upon the expiry, forfeiture, or abandonment of such privilege this certificate shall be void.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at , this day of , 19 .

FIRST SCHEDULE.

[Specify name, registered number (if any), and locality of the applicant's mining privilege.]

SECOND SCHEDULE.

[Specify, with sufficient particulars for identification, the situation, measurement, and area of the portion of land to which the certificate applies, and the name, registered number (if any), and locality of the mining privilege in which it is comprised, as also the full name of the holder of such privilege.]

THIRD SCHEDULE.

[Specify the purposes.]

FOURTH SCHEDULE.

[Set out additional terms, &c., if any.]

, Warden.

Form 48 (Reg. 68).

Under "The Mining Act, 1908."

REGISTER OF MINING PRIVILEGES.

At , in the Mining District.

NATURE, locality, and description of mining privilege:

[E.g., *Water-race: Source of supply, the Fraser River, about two miles north of the Old Man Rock; course, north-west and south-east; length, about twelve miles; water authorised to be diverted, fifteen heads. Precise time of filing application for the race: 1 p.m., 12th July, 1900.*]

Regd. No. of Instrument.	Instrument.	Date of Instrument.	Precise Time of presenting Instrument for Registration.	Names of Parties.	
				Grantor or Transferor.	Grantee or Transferee.

Rent Account, &c.

Annual Rental.	Amount.	Rate per Acre.	Annual License Fee.
	£ s. d.	£ s. d.	£ s. d.
First year ..	..	0 2 6	
Second year ..	..	0 5 0	
Third year and the remainder of term ..	..	0 7 6	

Rent due.			Date of Payment.	No. of Receipt.	Rent received.
From	To	Amount.			
		£ s. d.			£ s. d.

Form 49 (Reg. 77).

Under "The Mining Act, 1908."

APPLICATION TO REGISTER A MINING PRIVILEGE HELD OTHERWISE THAN UNDER LICENSE.

To the Mining Registrar of the Mining District, at

PURSUANT to "The Mining Act, 1908," I, A. B. [Full name, residence, and occupation], being the lawful holder of the unregistered mining privilege described in the Schedule hereto, do hereby make application to register the same, and I hereby declare as follows:—

(a.) That I have duly observed all the provisions of the said Act relating to the said privilege, and that the title to the same is occupation under miner's right;

(b.) That I verily believe I am entitled to the grant of this application.

Date and number of miner's right:

Address for service:

Dated at, this day of, 19.

SCHEDULE.

[Set out name, locality, and area of the mining privilege with sufficient particularity for identification.]

[Signature of applicant, &c.]

Form 50 (Reg. 77).

Under "The Mining Act, 1908."

CERTIFICATE OF REGISTRATION OF MINING PRIVILEGE HELD OTHERWISE THAN UNDER LICENSE.

PURSUANT to application in that behalf made by A. B. [Full name, residence, and occupation], the lawful holder of the mining privilege described in the Schedule hereto, I, Mining Registrar of the Mining District at, do hereby certify that I have this day registered such mining privilege as No.

In witness whereof I have hereunto signed my name this day of, 19.

SCHEDULE.

[Set out name, locality, and area of the mining privilege as in the application.]

, Mining Registrar.

Form 51 (Reg. 78).

Under "The Mining Act, 1908."

APPLICATION TO REGISTER LIEN.

To the Mining Registrar of the Mining District, at

THE undersigned [Full name, residence, and occupation] hereby applies to register a lien against the mining privilege[s] specified in the First Schedule hereto, for £, in respect of moneys due to him as wages-man [or subcontractor, or contractor, or partner, as the case may be], particulars whereof are specified in the Second Schedule hereto.

Address for service:

Dated at, this day of, 19.

FIRST SCHEDULE.

[Describe the name, situation, and registered number of each mining privilege, and the name of the holder, and also the equitable owner (if any).]

SECOND SCHEDULE.

[Set out briefly but clearly the particulars of the debt, giving, in the case of wages, the name of the employer, the period, place, and nature of the employment, and the rate and amount of the wages, and in any other case the corresponding particulars as to names, dates, amounts, &c.]

[Signature of applicant, &c.]

Form 52 (Reg. 78).

Under "The Mining Act, 1908."

NOTICE TO OWNER OF MINING PRIVILEGE AGAINST WHICH A LIEN HAS BEEN REGISTERED.

To A. B. [Full name, residence, and occupation], the holder or equitable owner of the mining privilege[s] set out in the Schedule hereto.

TAKE notice that C. D. [Full name, residence, and occupation] has this day registered as No. a lien against the undermentioned mining privilege[s] for the sum of £ due to him as wages-man [subcontractor, contractor, or partner, as the case may be].

SCHEDULE.

Reg. No. of Privilege (if any).	Name and Locality of Mining Privilege.

Dated at, this day of, 19, Clerk of Warden's Court.

Form 53 (Reg. 78).

Under "The Mining Act, 1908."

DISCHARGE OF LIEN.

Registered number of lien:

Office of registration:

Date of registration:

Amount of lien: £.

Name and locality of mining privilege affected, its registered number (if any), and the name of its holder:

THE above-mentioned lien is hereby declared to be discharged, by [Set out mode of discharge—e.g., satisfaction, withdrawal, order of the Warden, or as the case may be].

Dated at, this day of, 19.

A. B. (Lienee)

[If discharge is by him; or, if discharge is by order of the Warden, then—

C. D., Warden.]

[If discharge is by Lienee, his signature should be attested thus—

Signed by the said A. B., as Lienee, in the presence of E. & F. (adding occupation and residence).]

[If discharge is by payment into Court, or by receipt of the workman duly filed, then—

G. H., Registrar].

Form 54 (Reg. 87).

NUMERICAL INDEX OF REGISTRATIONS AT THE MINING DISTRICT.

Registration No. in Register.	Volume and Folio of Register.	Instrument.	Mining Privilege.	Grantor or Transferor.	Grantee or Transferee.
1	..	License ..	Special dredging claim	..	W. Green.
2	..	Certificate of registration	Ordinary alluvial claim	..	J. Watson.
321	..	Mortgage	Water-race ..	A. White	T. Black.

NOMINAL INDEX OF REGISTRATIONS AT THE MINING DISTRICT.

Grantor or Transferor.	Grantee or Transferee.	Instrument.	Mining Privilege.	Registration Number in Register.	Volume and Folio of Register.
A. Adams, J., and others &c. &c. &c.	Watson, G.	Mortgage	Special claim	240	Vol. i, folio 49.

Form 56 (Reg. 89).

WATER-RIGHTS INDEX-BOOK OF WATER GRANTS REGISTERED AT
THE
MINING DISTRICT.

Name of Stream:

Registered Number in Register.	Instrument.	Number of Heads.	Grant.	Expiration <i>[To be filled up when the event occurs].</i>		
				Precise Time from which Priority begins.	Grantee.	Date of Expiry.
431	License	15	..	2.30 p.m., 21 Jan., 1899	W. Smith	20 Dec., 1899.
2142	Certificate of re- gistration	4	..	2 p.m., 22 Jan., 1900	C. White	..
2143	License	9	..	2 p.m., 22 Jan., 1900	C. White	2 Sept., 1891.

Form 58 (Reg. 97).

Under "The Mining Act, 1908."

MACHINE REGISTER-BOOK. License No. .

[illegible]

Form 57 (Reg. 97).

Under "The Mining Act, 1908."

APPLICATION FOR REGISTRATION AND LICENSE IN RESPECT
OF MACHINE.

To the Mining Registrar of the Mining District,
at
PURSUANT to "The Mining Act, 1908," the undersigned
[Full name, residence, and occupation], being the owner of
the process or appliance specified in the Schedule hereto,
hereby applies for the registration of the same, and for the
issue of a license to him in respect thereof.

Dated at _____, this _____ day of _____, 19 ____.

SCHEDULE.

[Specify the process or appliance, and also the locality where it is to be used.]

[Signature of applicant, &c.]

Under "The Mining Act, 1908."

MACHINE LICENSE.

No.

PURSUANT TO The Mining Act, 1908," A. B. [Full name, residence, and occupation], of _____, is hereby licensed as the owner of a registered [Here describe machine—e.g., a 12-stamp crushing machine, a berdan, amalgamator, retort, melting-furnace, or otherwise] at [Place where machine situate] until the 31st day of December next.

Fee, 1s., paid.

Dated at _____, this _____ day of _____, 19____.

_____, Mining Registrar.

Form 60 (Reg. 97).

Under "The Mining Act, 1908."

MONTHLY RETURN BY LICENSEE, MACHINE REGISTERED No.
MACHINES DURING THE MONTH OF

	*Quantity received.	*Quantity treated.	Gold or Bullion.	Refined.	Melted.	Other Metals.	Value.
	Tons.	cwt.	qr.	lb.	Oz.	dwt.	
<i>Recovered by Amalgamation—</i>							
Quartz or ore ..							
Tailings ..							
Specimens ..							
Other metals ..							
Concentrates ..							
<i>Recovered by Cyanide—</i>							
Quartz or ore ..							
Tailings ..							
Specimens ..							
Other metals ..							

* As per details on back hereof.

A. B., Licensee.

Dated

61.

Details.

[illegible]

Form 61 (Reg. 100).

Under section 127 of "The Mining Act, 1908."

CLAIM SETTING FORTH FULL PARTICULARS OF THE COMPENSATION THAT WILL BE REQUIRED IN THE EVENT OF WATERCOURSE BEING CONSTITUTED AND SET APART FOR DISCHARGE OF TAILINGS.

To the Minister of Mines, at Wellington.

WHEREAS by notice published in the *Gazette* on the day of _____, 19____, it is stated that application has been made to His Excellency the Governor to constitute and set aside by Proclamation the watercourse described in the First Schedule hereto to be a watercourse into which may be discharged tailings, *débris*, and waste water produced by or resulting from mining operations, and in which or on the banks of which mining operations may be carried on: And whereas by the operation of such Proclamation, if made, the lands described in the Second Schedule hereto in which I have an interest, as described in the Third Schedule hereto, will be damaged or injuriously affected by reason that [*Here state items of claim, with a reference number to each, and give in each case full particulars of the nature and extent of each such item*]:

Now, therefore, this is to give notice that, in the event of such Proclamation being made, I shall claim £ as compensation for all loss and damage arising from the operation thereof, which sum is made up as follows :—

[Here state reference number and short heading of each £ s. d. item of claim previously detailed, and the amount claimed in respect of each such item separately.]

Total claim

Given under my hand, at , this day of , 19 .

Signature of Claimant:
[Christian name and surname in full.]
Address:
[Address in full.]

FIRST SCHEDULE.

[Here describe the watercourse, as in the Gazette notice.]

SECOND SCHEDULE.

[Here describe the area and situation of the lands affected, giving name of survey district and number and block of section, or other means of identification.]

THIRD SCHEDULE.

[Here state in full the nature of the interest, as owner in fee-simple, mortgagee, lessee, or occupier; and if the lands are leased or encumbered, or subject to any easement, give particulars thereof.]

Form 62 (Reg. 102).

Under "The Mining Act, 1908."

YEARLY RETURN TO BE MADE BY CLAIM-HOLDER.

To the Inspector of Mines for the Mining District.

NATURE of claim [State whether alluvial, sluicing, elevating, dredging, or quartz]:

Name of claim:

Area of claim:

Name of holder:

Name of mine-manager or dredgemaster:

Name and address of legal manager or secretary:

Locality of mining operations:

Average number of men employed during the year:

Yield of gold for the year: oz. dwt. gr.

Total value of gold: £

Value of gold per ounce: £

[In the case of a quartz claim] Quantity of material operated on during the year:

Mode of treatment:

[In the case of a registered company] Amount paid in dividends—

For the year: £

Since commencing work: £

A true return for the year ending the last day of December, 19 .

Dated at , this day of January, 19 .

Owner [or Manager]

Form 63 (Reg. 103).

Under "The Mining Act, 1908."

BANK'S OR OTHER GOLD-BUYER'S YEARLY RETURN OF GOLD PURCHASED.

YEARLY return of gold purchased by [Naming the bank or other gold-buyer] at for the year ending on the 31st day of December, 19 :—

Quantity of Gold purchased.	Total Value of Gold purchased.	Average Value of Gold purchased, per Ounce.	Remarks.

Dated at , this day of January, 19 .

[Signature of bank-officer or gold-buyer.]

Form 64 (Reg. 104).

Under "The Mining Act, 1908."

APPLICATION FOR DUPLICATE OF LOST OR DESTROYED DOCUMENT.

To the Warden of the Mining District, at .

I, THE undersigned [Full name, residence, and occupation], being the lawful holder of the license [or other document] specified in the Schedule hereto, hereby apply for the issue of a duplicate thereof on the ground that the original has been lost or destroyed; and in support of this application I do hereby solemnly and sincerely declare as follows:—

1. I am the lawful holder of the document above referred to, and it was lost [or destroyed] under the following circumstances: [Set out as far as known the date on which and the manner in which the loss or destruction occurred].

2. I have made diligent search for the said document, but have been unable to find it.

3. I have not, nor with my knowledge or consent has any other person, deposited the said document with any person for the purposes of security or otherwise, and I verily believe it to be lost [or destroyed].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Justices of the Peace Act, 1908."

SCHEDULE.

[Set out the name of the document, the Act under which it was issued, the registration or other number, and such other particulars as will suffice to identify it.]

Declared by the said , at this day of , 19 , before me— , J.P. [Soloitor, or other person authorised to take statutory declarations].

Form 65 (Reg. 108).

Under "The Mining Act, 1908."

APPLICATION FOR A SAWMILL LICENSE.

[As in Form 15, with all necessary modifications, including Schedule, as follows.]

SCHEDULE.

Area, situation, and boundaries of land:

Proposed term of license:

[Signature of applicant, &c.]

Precise time, &c.

Form 66 (Reg. 108).

Under "The Mining Act, 1908."

LICENSE FOR A SAWMILL.

PURSUANT to "The Mining Act, 1908," I, the undersigned, , a Warden of the Mining District at , do hereby grant to [Full name, residence, and occupation] this license for a sawmill in respect of the land specified in the First Schedule hereto.

This license is granted for a term of years, commencing on the date hereof, subject to the respective rent, royalties, terms, conditions, reservations, and provisions set out in the aforesaid Act and the regulations thereunder, and also to such additional terms, conditions, reservations, and provisions as are specified in the Third Schedule hereto.

The annual rental is £ , being at the rate of 1s. per acre per annum.

All rent has been duly paid up to the last day of June [or December] next following the date hereof, and the subsequent payments of rent are to be made by equal half-yearly instalments in advance, the first half-yearly instalment in advance being due and payable on the last day of June [or December] aforesaid.

The royalties are specified in the Second Schedule hereto, and are payable on the same days as the rent accruing due after the date hereof, and for similar periods:

Provided that the first payment of royalty shall be due and payable on the same day as the first half-yearly instalment of rent, and be in respect of royalty for the period elapsing between the date of this license and such day:

Provided, further, that all sums paid in respect of royalty for any period shall, to the extent of the rent payable for such period, be deemed to be in or towards satisfaction of such rent.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at this day of , 19 .

FIRST SCHEDULE.

[Set out area, situation, and boundaries of the land, and, if land is surveyed, affix plan.]

SECOND SCHEDULE.

ROYALTIES.

[Set out from Fourth Schedule to these Regulations.]

THIRD SCHEDULE.

[Set out additional terms, &c., if any.]

, Warden.

Form 67 (Reg. 110).

Under "The Mining Act, 1908."

APPLICATION FOR CERTIFICATE OF RESERVATION OF TIMBER AREAS.

To the Warden of the Mining District, at Pursuant to "The Mining Act, 1908," the undersigned [Full name, residence, and occupation], being the holder of [or applicant for] a license for a sawmill in respect of the land specified in the First Schedule hereto, hereby applies for a certificate reserving to him for sawmilling purposes the areas of adjoining land, as specified in the Second Schedule hereto, which have been duly marked out for the purpose.

Date and number of miner's right :

Address for service :

Dated at , this day of , 19 .

FIRST SCHEDULE.

[Set out the area and locality of the land for which the sawmill license is held or has been applied for, adding in the former case the registered number of the license, and in the latter case the date of the filing of the application.]

SECOND SCHEDULE.

[Set out separately the acreage, situation, and boundaries of each area of land (not exceeding two) for which the certificate of reservation is desired.]

[Signature of applicant, &c.]

Precise time, &c.

Form 68 (Reg. 110).

Under "The Mining Act, 1908."

CERTIFICATE OF RESERVATION OF TIMBER AREAS.

This is to certify that, pursuant to "The Mining Act, 1908," I, the undersigned, a Warden of the Mining District, have this day reserved the areas of land described in the First Schedule hereto for [Full name, residence, and occupation], as the holder of a sawmill license registered at as No.

This certificate is granted subject to the terms, conditions, reservations, and provisions set out in the aforesaid Act and the regulations thereunder, and also to such additional terms, conditions, reservations, and provisions as set out in the Second Schedule hereto.

This certificate continues in force for one year from the date hereof, but may be renewed from year to year whilst the aforesaid license continues in force, but no longer.

There is payable, in respect of this certificate and of each annual renewal thereof, an acreage rental of £ , being at the rate of 1s. per acre, and such rental is payable by equal half-yearly instalments in advance, of which the first instalment has been duly paid.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court at this day of , 19 .

FIRST SCHEDULE.

[Describe land, setting out separately the acreage, situation, and boundaries of each reserved area, and, if land is surveyed, affix plans.]

SECOND SCHEDULE.

[Set out additional terms, &c., if any.]

, Warden.

Form 69 (Reg. 112).

Under "The Mining Act, 1908."

APPLICATION FOR HAND-SAWING AND TIMBER-SPLITTING WARRANT.

To the Warden of the Mining District, at Pursuant to "The Mining Act, 1908," the undersigned [Full name, residence, and occupation] hereby applies for a hand-sawing and timber-splitting warrant in respect of the land specified in the Schedule hereto, which has been duly marked out for the purpose.

Date and number of miner's right :

Address for service :

Dated at , this day of , 19 .

SCHEDULE.

[Set out area, situation, and boundaries of the land.]

[Signature of applicant, &c.]

Precise time, &c.

Form 70 (Reg. 112).

Under "The Mining Act, 1908."

HAND-SAWING AND TIMBER-CUTTING WARRANT.

Pursuant to "The Mining Act, 1908," I, the undersigned, a Warden of the Mining District, hereby grant to [Full name, residence, and occupation] this hand-sawing and timber-cutting warrant in respect of the land specified in the First Schedule hereto.

This warrant is granted for a term of months, commencing on the date hereof, subject to the terms, conditions, reservations, and provisions set out in the aforesaid Act and the regulations thereunder, and also to such additional terms, conditions, reservations, and provisions as are specified herein or in the Second Schedule hereto.

There are payable by the warrant-holder a warrant fee of £3 [or £5, as the case may be] for the issue of this warrant, and also a royalty of 2d. for every railway-sleeper cut by him under this warrant. The warrant fee has been duly paid, and the royalty is payable at quarterly intervals computed from the date hereof.

In witness whereof, &c. [as in Form 68].

SECOND SCHEDULE.

(Reg. 33.)

SUMS TO BE LODGED WITH THE RECEIVER IN CONNECTION WITH THE FILING OF APPLICATIONS, TO ABIDE THE DISPOSAL OF THE APPLICATION.

Where rent is payable for the mining privilege or timber-cutting right applied for One half-year's rent computed on area specified in the application.

Where a recurring license fee or other fee is so payable The amount of the fee.

Where a non-recurring license fee or other fee is so payable The amount of the fee.

Where survey is necessary Survey fees as per scale, as approximately estimated by the Receiver.

Where advertising is or may be required The approximate cost thereof as estimated by the Receiver, not exceeding £2.

Where registration will be necessary A registration fee of 1s. for each separate registration entry.

THIRD SCHEDULE.

(Reg. 59.)

PERMISSIVE METHOD OF GAUGING WATER.

Gauge-boxes.

WHEN other and more accurate means of measuring water are not conveniently available, it may be done by using gauge-boxes of the dimensions and forms following, that is to say: The gauge-box shall be 12 ft. long, 20 in. or 40 in. wide inside measurement, as the case may be, in accordance with the undermentioned table. The box shall be open on

Depth of Pressure-board above Top of Aperture, in Inches.	Dimensions of Aperture, in Inches.		Number of Shice-heads discharged.	Depth of Pressure-board above Top of Aperture, in Inches.	Dimensions of Aperture, in Inches.		Number of Shice-heads discharged.
	Width.	Depth.			Width.	Depth.	
5	20	2	1	24	40	$15\frac{1}{4}$	36
5	20	$3\frac{7}{8}$	2	24	40	$15\frac{3}{8}$	37
8	20	4	3	24	40	16	38
8	20	$5\frac{7}{8}$	4	24	40	$16\frac{3}{8}$	39
9	20	$6\frac{5}{8}$	5	24	40	$16\frac{1}{2}$	40
9	20	8	6	24	40	$17\frac{1}{8}$	41
12	20	$8\frac{1}{4}$	7	24	40	$17\frac{1}{2}$	42
12	20	$9\frac{1}{4}$	8	24	40	$17\frac{5}{8}$	43
12	40	$5\frac{5}{8}$	9	30	40	17	44
12	40	$6\frac{3}{16}$	10	30	40	$17\frac{3}{8}$	45
12	40	$6\frac{1}{4}$	11	30	40	$17\frac{1}{16}$	46
18	40	$6\frac{1}{2}$	12	30	40	18	47
18	40	$6\frac{3}{4}$	13	30	40	$18\frac{3}{8}$	48
18	40	$7\frac{1}{4}$	14	30	40	$18\frac{1}{16}$	49
18	40	$7\frac{3}{8}$	15	30	40	19	50
18	40	$8\frac{1}{8}$	16	30	40	$19\frac{3}{8}$	51
18	40	$8\frac{3}{8}$	17	30	40	$19\frac{1}{16}$	52
18	40	$9\frac{1}{8}$	18	30	40	20	53
18	40	$9\frac{1}{16}$	19	30	40	$20\frac{3}{8}$	54
18	40	10	20	30	40	$20\frac{1}{16}$	55
18	40	$10\frac{5}{16}$	21	30	40	21	56
18	40	$10\frac{7}{8}$	22	36	40	$20\frac{1}{16}$	57
18	40	$11\frac{5}{16}$	23	36	40	$20\frac{3}{8}$	58
18	40	$11\frac{3}{4}$	24	36	40	$20\frac{1}{16}$	59
24	40	$11\frac{1}{16}$	25	36	40	$21\frac{1}{16}$	60
24	40	$11\frac{7}{16}$	26	Every 5 Heads.			
24	40	$11\frac{13}{16}$	27				
24	40	$12\frac{3}{16}$	28	36	40	$22\frac{3}{8}$	65
24	40	$12\frac{5}{8}$	29	36	40	24	70
24	40	13	30	36	40	$25\frac{5}{8}$	75
24	40	$13\frac{3}{4}$	31	48	40	$24\frac{3}{8}$	80
24	40	$13\frac{3}{8}$	32	48	40	$25\frac{1}{2}$	85
24	40	$14\frac{1}{2}$	33	48	40	$27\frac{3}{8}$	90
24	40	$14\frac{1}{2}$	34	48	40	$28\frac{1}{16}$	95
24	40	$14\frac{7}{8}$	35	48	40	30	100

(Reg. 108.)

Class I—		Per 100
Totara and matai not less than 25 ft. in length,		Sup. Ft.
puriri, maire-raunui, silver-pine, and pohutukawa	s. d.	2 0
Class II—		
Totara and matai less than 25 ft. in length, rata,		
tangao, manuka (tea-tree), manoa, tanekaha,		
kawaka, kaikawaka		1 0
Class III—		
Rewarewa, mapau, toro, hinau, taraire, miro, black		
and brown birch		0 6
Class IV—		
Mountain and silver beech		0 6

Rimu (red-pine), kahikatea (white-pine), kamai, pukatea, tawa	..	..	..	..	0	6
Class VI—						
Blocks for paving sluices	..	..	..	..	0	2
Railway-sleepers	..	..	..	..	0	2
Class VII—						
Puriri, totara, silver-pine, and matai posts and sleepers shall be charged under Classes I and II, according to the description and length of the tree.						
					Per 100	
Other posts, rails, and sleepers	..	..	..	..	8	0
Fencing-stakes	..	..	..	..	4	0
					Per Cord.	
Firewood	..	..	..	..	1	0

- (1.) No standing totara or black-pine, and no timber required or suitable for milling purposes, shall be cut under either Class VI or Class VII.
- (2.) Railway-sleepers shall not be cut under Class VII.
- (3.) The foregoing royalty on railway-sleepers shall be payable also on railway-sleepers cut under hand-sawing and timber-splitting warrants.

(Reg. 119.)

Table of Fees.

Application fee in respect of every application to the Warden filed in the office of the Registrar under the foregoing provisions of these regulations

Filing notice of objection	2s.
----------------------------	----	----	-----

Summons to witness

Service of summons

Mileage

Filing n

tion for a rehearing

Filing notice of appeal.
Allowance to withdraw.

Allowances to witnesses
Certificate of protection

Where the period of pa-

fourteen days

Where it exceeds fourteen days	5s.
--------------------------------	----	----	-----

certificate of reduction	5s.
--------------------------	----	----	----	-----

Certificate of easement	5s.
-------------------------	----	----	----	-----

certificate of registration 1s.

license for a mining privilege, under which neither
rent nor royalty is payable.

rent nor royalty is payable 5s.

FORMS FOR USE IN WARDEN'S COURT.

(The forms being numbered on from the last number in the First Schedule.)

Form 71 (Reg. 122).

Under "The Mining Act, 1908."

PLAINT-BOOK.

WARDEN'S Court of the Mining District, holden

Date of Entry of Plaintiff.	
No. of Plaintiff.	
Plaintiff.	
Residence.	
Occupation.	
Defendant.	
Residence.	
Occupation.	
Substance of Suit and Nature of Relief.	
Amount sued for.	
Date of Hearing.	
Initials of Bailiff.	
Date of Receipt by Bailiff.	
Name of Foreign Court to which Summons sent.	
Date on which sent.	
Date of Return from Foreign Court.	

To [Name in full, residence, and occupation of witness].

You are hereby commanded to attend at the Warden's Court of the Mining District, holden at , on , the day of , at the hour of o'clock in the noon, to give evidence on behalf of the plaintiff [or defendant]. Herein fail not at your peril.

Given under my hand and the seal of the Court, at this day of , 19 .

, Clerk of the Court.

Form 78 (Reg. 123).

Under "The Mining Act, 1908."

DEMAND FOR ASSESSORS.

No. of the year 19 .

In the Warden's Court of the Mining District, holden at .

Between , plaintiff, and , defendant.

TAKE notice that I, A. B., the above-named plaintiff [or defendant, as the case may be], hereby demand that this suit be tried by Assessors pursuant to "The Mining Act, 1908."

Dated at , this day of , 19 .
A. B. [or A. B., by his Solicitor or Registered Agent, C. D.].

To the Clerk of the Court,

Form 79 (Reg. 123).

Under "The Mining Act, 1908."

CLERK'S NOTICE TO PARTIES OF TRIAL BY ASSESSORS.

No. of the year 19 .

In the Warden's Court of the Mining District, holden at .

Between , plaintiff, and , defendant.

TAKE notice that this case will be tried by Assessors, the plaintiff [or defendant, as the case may be] having demanded a trial by Assessors.

Dated at , this day of , 19 .
, Clerk of the Court.

To the plaintiff [or defendant, as the case may be].

Form 80 (Reg. 123).

Under "The Mining Act, 1908."

SUMMONS TO ASSESSOR.

No. of the year 19 .

In the Warden's Court of the Mining District, holden at .

You are hereby summoned to appear and serve as an Assessor in this Court at the Courthouse at , on the day of , 19 , at the hour of in the noon, upon the trial of the cause or causes to be taken and tried by Assessors.

In default of attendance you will be liable to a penalty not exceeding five pounds.

Dated at , this day of , 19 .
, Clerk of the Court.

To [Full name, residence, and occupation].

Form 81 (Reg. 123).

Under "The Mining Act, 1908."

ORDER FINING AN ASSESSOR FOR NON-ATTENDANCE.

In the Warden's Court of the Mining District, holden at .

WHEREAS was duly summoned to appear and serve this day as an Assessor in this Court upon the trial of the cause or causes to be tried by Assessors at this Court: And whereas he has neglected, without sufficient cause shown, to appear and serve as an Assessor at this Court: It is hereby ordered that he shall forthwith [or on or before the day of , 19] pay to the Clerk of this Court at a fine of £ for such neglect.

Dated at , this day of , 19 .
, Warden.

Hours of attendance at the office of the Clerk [Place of office]: From until , except on [Here insert the days of the week on which the office will be closed on part of the day], when the office will be closed at , and on , when the office will be closed all day.

Form 82 (Reg. 123).

Under "The Mining Act, 1908."

OATH OF ASSESSORS.

I, A. B., do swear well and truly to try and determine the matters which shall be brought before me, and a true decision to give, according to the evidence. So help me God.

Form 83 (Reg. 123).

Under "The Mining Act, 1908."

DECLARATION OF ASSESSOR IN LIEU OF OATH.

I, A. B., do solemnly, sincerely, and truly affirm and declare that I will well and truly try and determine the matters which shall be brought before me, and a true decision give according to the evidence.

Form 84 (Reg. 123).

Under "The Mining Act, 1908."

NOTICE OF COUNTERCLAIM.

Plaint No. .

In the Warden's Court of the Mining District, holden at .

Between , plaintiff, and , defendant.

TAKE notice that the defendant intends, at the hearing of this suit, to set up a counterclaim, particulars whereof are attached hereto.

The defendant's address for service is:

Dated at , this day of , 19 .

Defendant

[or Solicitor or Registered Agent for the Defendant].

To the plaintiff, and the Clerk of the Court.

[Attach particulars of counterclaim, as in a statement of claim.]

Form 85 (Reg. 123).

Under "The Mining Act, 1908."

NOTICE OF PAYMENT INTO COURT.

Plaint No. .

In the Warden's Court of the Mining District, holden at .

Between , plaintiff, and , defendant.

TAKE notice that the defendant has paid into Court the sum of pounds shillings and pence, being the full amount of [or, as the case may be, the sum which he thinks a full satisfaction for] your demand in this action, and has also paid into Court the further sum of pounds shillings and pence for the costs incurred by you up to the time of the service of this notice.

Dated at , this day of , 19 .

Defendant

[or Solicitor or Registered Agent for the Defendant].

To the plaintiff,

Form 86 (Reg. 123).

Under "The Mining Act, 1908."

APPLICATION FOR A REHEARING.

Plaint No. .

In the Warden's Court of the Mining District, holden at .

Between , plaintiff, and , defendant.

Judgment given on the _____ day of _____, 19 ____
 I, A. B., being the plaintiff [or defendant] in this action,
 hereby apply for a rehearing, on the following grounds:
[Here state grounds for application].

This application will be made to the Warden on the day
 after the service hereof on the defendant [or plaintiff, as the
 case may be], or so soon thereafter as it can be heard.

Dated at _____, this _____ day of _____, 19 ____.

A. B.
 [or A. B., by his Solicitor or
 Registered Agent, C. D.].

To the Warden, _____

Form 87 (Reg. 123).

Under "The Mining Act, 1908."

ORDER FOR A REHEARING.

In the Warden's Court of the _____ Mining District,
 holden at _____.

Between _____, plaintiff,
 and _____, defendant.

It is ordered that the judgment in this action and all sub-
 sequent proceedings be set aside, and a rehearing had between
 the parties on *[Set out the terms and conditions, if any].*

Given under my hand and the seal of the Court, this
 day of _____, 19 ____.

_____, Warden.

Form 88 (Reg. 123).

Under "The Mining Act, 1905."

MEMORANDUM OF AGREEMENT BY PARTIES TO A SUIT THAT
 THE DECISION OF THE WARDEN OR WARDEN'S COURT
 SHALL BE FINAL.

No. _____ of year 19 ____.

In the Warden's Court of the _____ Mining District,
 holden at _____.

A. B., plaintiff, and C. D., defendant.

WE, the above-named plaintiff and defendant, do hereby
 agree that the decision of the Warden or Warden's Court
 in the above suit shall be final.

Dated at _____, this _____ day of _____, 19 ____.

A. B. [or A. B., by his Solicitor or
 Registered Agent, E. F.],
 Plaintiff.

C. D. [or C. D., by his Solicitor or
 Registered Agent, G. H.],
 Defendant.

Form 89 (Reg. 123).

Under "The Mining Act, 1908."

FORM OF INJUNCTION OR OTHER ORDER.

No. _____ of the year 19 ____.
 In the Warden's Court of the _____ Mining District,
 holden at _____.

Between _____, plaintiff,
 and _____, defendant.

UPON reading the affidavit of A. B., sworn and filed herein
 the _____ day of _____, 19 ____ *[Recite any other affidavits
 used on the application, and, if evidence viva voce has been
 given either with or without affidavits, add and upon hearing the
 evidence of C. D.], and upon hearing the plaintiff [or de-
 fendant, as the case may be], in person [or Mr. _____ as
 counsel or solicitor or registered agent for the plaintiff (or
 defendant)] [and, if the application is on notice and the other
 party has appeared, then add and upon hearing the defendant
 (or plaintiff, as the case may be) in person (or Mr. _____ as
 counsel or solicitor or registered agent for the defendant (or
 plaintiff); or, if the other party does not appear, say and upon
 service of notice of this application upon the plaintiff (or
 defendant) being proved to my satisfaction, and he not
 appearing], I do hereby order that [State the subject-matter of
 the order].*

Given under my hand and the seal of the Court, at
 this _____ day of _____, 19 ____.

_____, Warden.

Form 90 (Reg. 123).

Under "The Mining Act, 1908."

FORM OF FINAL DECISION AND ORDER.

No. _____ of the year 19 ____.

In the Warden's Court of the _____ Mining District,
 holden at _____.

Between _____, plaintiff,
 and _____, defendant.

I FIND *[If upon the decision of Assessors, insert upon the
 decision of Assessors]* that *[Set forth the decision]*; and I
 order *[State the order, as, for instance, that possession of the
 land (describing it as described in the Schedule to this order)
 be delivered to _____]; and that the said _____ do
 pay to the said _____ the sum of _____ pounds for
 damages, and _____ pounds for costs. I also order that
 certain auriferous earth, metal, or mineral in the possession
 of the said _____, and which has been valued by me [or
 by the said Assessors] at _____, be delivered to the said
 _____ in satisfaction [or in part satisfaction] of such
 damages and costs.*

Given under my hand and the seal of the Court this
 day of _____, 19 ____.

_____, Warden.

*[NOTE.—The statements in this and the preceding forms
 are by way of example only.]*

Form 91 (Reg. 123).

Under "The Mining Act, 1908."

MEMORANDUM OF AGREEMENT TO APPEAL TO SUPREME
 COURT.

No. _____ of the year 19 ____.

In the Warden's Court of the _____ Mining District,
 holden at _____.

Between A. B., plaintiff, and C. D., defendant.

WE, the above-named plaintiff and defendant, do hereby
 agree that any appeal that may be made herein shall lie
 to the Supreme Court, sitting at _____, and not to the
 District Court.

Dated at _____, this _____ day of _____, 19 ____.

A. B. [or A. B., by his Solicitor or
 Registered Agent, E. F.],
 Plaintiff.

C. D. [or C. D., by his Solicitor or
 Registered Agent, G. H.],
 Defendant.

Form 92 (Reg. 123).

Under "The Mining Act, 1908."

NOTICE OF APPEAL.

No. _____ of the year 19 ____.

In the Warden's Court of the _____ Mining District,
 holden at _____.

Between A. B., plaintiff, and C. D., defendant.

*[Or, if the appeal is from the decision of the Warden in his
 administrative capacity—*

*In the matter of an application numbered _____ in the
 Application Record-book, at _____, for (Here state sub-
 ject-matter—e.g., a license for a special dredging claim).*

Between A. B., applicant, and C. D., objector.]

TAKE notice that I, _____, the above-named plaintiff
 [or defendant, or objector], being dissatisfied
 with the decision of the Warden's Court [or the Warden]
 in these proceedings, which decision was as follows—*[Here
 copy out minute of same as recorded in the judgment-book or
 record-book]*—intend to appeal against such decision on matter
 of fact alone [or on matter of law alone, or on both fact and
 law, as the case may be], and that the following are briefly the
 matters of law forming the ground of appeal:—

[Here set same out substantially but concisely in distinct paragraphs.]

The appeal is made to the Supreme Court, holden at
[or to the District Court, holden at , as the case may
be].

You, the said plaintiff [defendant, applicant, or objector,
as the case may be], are therefore called on to show why the
said decision shall not be [Here state whether total or only
partial reversal is sought, or what measure of relief the appel-
lant deems himself entitled to.]

Dated at , this day of , 19 .
A. B.

[Signature of party appealing, either by him-
self or his Solicitor or Registered Agent.]

SEVENTH SCHEDULE.

(Reg. 124.)

WARDEN'S COURT.

Table of Fees.

	£	s.	d.
Summons to defendant, for each defendant to be served	0	2	0
Summons to witness, for each witness to be served	0	2	0
Service of any summons by bailiff or police officer, for each defendant or witness to be served	0	3	0
Mileage for service of any summons or copy of summons by bailiff or police officer, for every mile, one way, after the first mile, from the Courthouse or police-station from which service commences	0	1	0
Hearing	0	4	0
Adjournment of hearing, when made on application of plaintiff or defendant	0	2	0
Filing demand for assessors	0	2	0
Notice of payment into Court	0	2	0
Order of the Court or a Warden in a suit	0	2	0
Entering of judgment	0	2	0
Filing notice of intention to appeal	0	8	0
Distress warrant	0	4	0
Issuing warrant to bailiff to deliver possession to a plaintiff or defendant of premises recovered	0	4	0
Executing any distress warrant beyond one mile from the Courthouse, for every extra mile, one way	0	1	0
Poundage on the sum levied or received in execution, for every £1	0	1	0
Serving or executing any writ of arrest, injunction, writ of attachment, or any summons, order, warrant, precept, writ, or other process not hereinbefore provided for, if within one mile of the Courthouse	0	4	0
For every extra mile, one way	0	1	0
For keeping possession, per diem, any sum not exceeding	0	8	0
For every extra mile beyond one mile, one way	0	1	0
Auctioneers' commission on goods sold, not exceeding five per cent. (to be paid into Public Account where the bailiff acts as auctioneer).			
Advertising—For three lines of space not exceeding 3s., and 3d. for every additional line.			
Executing distress warrant against the goods if satisfied within two hours of the levy	0	4	0
For every search	0	1	0
For any document required in proceedings and not enumerated in the Schedule	0	2	0
For copy of any proceedings, every complete folio of ninety words or part thereof	0	0	6
Cartage of goods seized in execution to auction-room or place of security: reasonable expenses actually paid, to be supported by voucher.			
Filing any consent or agreement	0	2	0
Filing notice of any application for a rehearing	0	2	0

Allowances to Witnesses.

Professional men, merchants, and esquires, not exceeding, per diem	1	1	0
Tradesmen, mechanics, and miners, ditto	0	10	0
Labourers, &c., ditto	0	8	0
Mileage one way	0	1	0

Where any act has to be done or any document is required in order to carry out and enforce (a) any judgment, decision, or order of the Warden or the Warden's Court in civil proceedings, or (b) any conviction or order of the Warden or the Warden's Court in proceedings imposing a penalty, then, in so far as no fee is charged for such act or document in this Schedule, the fees chargeable shall in case (a) be those chargeable under "The Magistrates' Courts Act, 1908," and in case (b) be those chargeable under "The Justices of the Peace Act, 1908."

EIGHTH SCHEDULE.

FORMS FOR USE IN CONNECTION WITH MINE-MANAGERS', BATTERY SUPERINTENDENTS', AND DREDGEMASTERS' CERTIFICATES.

(The forms being numbered on from the last form in the Sixth Schedule.)

Form 93 (Reg. 135).

Under "The Mining Act, 1908."

APPLICATION TO BE EXAMINED FOR CERTIFICATE.

To the Secretary of the Board of Examiners under the Mining Act, Wellington.

I [Full name, residence, and occupation], the undersigned, hereby apply to be examined for a certificate as mine-manager of the first [or second] class [or battery superintendent]. I enclose the prescribed fee of £1, and hereby declare as follows:—

(1.) My practical experience consists of actual employment as specified in the Schedule hereto; and in proof thereof I forward with this application evidence in writing from my previous employers, as specified in that Schedule.

(2.) [If the applicant is a candidate for examination for a mine-manager's certificate of the first class, he shall state whether he is the holder of a second-class certificate—e.g.] I am the holder of a second-class certificate, No.

Dated at , this day of , 19 .

SCHEDULE.

Particulars of Employment, and Nature of Evidence in Proof thereof.

Name and Locality of Mine.	Name of Employer.	Period of Employment.		Nature of Employment.	Nature of Evidence in Writing.
		From	To		

[Signature of applicant.]

Form 94 (Reg. 135).

Under "The Mining Act, 1908."

MINE-MANAGER'S CERTIFICATE OF FIRST [or SECOND] CLASS BY EXAMINATION.

This is to certify that [Full name, residence, and occupation] has by examination duly satisfied the Board of Examiners that he is entitled to a mine-manager's certificate of this first [or second] class, and this first- [or second-] class certificate is hereby issued to him accordingly.

Issued at Wellington, this day of , 19 , by the Board of Examiners.

A. B.,
Chairman.
C. D.,
Secretary.

Form 95 (Reg. 135).

Under "The Mining Act, 1908."

MINE-MANAGER'S CERTIFICATE OF FIRST [or SECOND] CLASS
WITHOUT EXAMINATION.

Signature of holder : This is to certify that [Full name, residence, and occupation], having duly satisfied the Board of Examiners that he is the holder of a corresponding certificate of equal status, granted after examination by [Name of authority] (being a duly constituted and recognised authority outside New Zealand), this first- [or second-] class certificate as mine-manager is hereby granted to him accordingly without examination.

Issued at Wellington, this day of , 19 , by the Board of Examiners.

C. D.,
Secretary.

A. B.,
Chairman.

Form 96 (Reg. 135).

Under "The Mining Act, 1908."

BATTERY SUPERINTENDENT'S CERTIFICATE BY [or WITHOUT]
EXAMINATION.

[As in Forms 94 or 95, or with all necessary modifications.]

Form 97 (Reg. 139).

Under "The Mining Act, 1908."

APPLICATION TO BE EXAMINED FOR CERTIFICATE AS DREDGE-
MASTER.

To the Board of Examiners, Wellington.

I, THE undersigned [Full name, residence, and occupation], hereby apply to be examined for a certificate as dredge-master. I enclose the prescribed fee of £1, and hereby declare as follows: My practical experience consists of actual employment on dredges working in deep or swift-flowing streams, as specified in the Schedule hereto; and in proof thereof I herewith supply evidence in writing from my previous employers, as specified in that Schedule.

Dated at , this day of , 19 .

SCHEDULE.

Particulars and Proof of Employment.

Name and Locality of Dredge.	Name of Employer.	Period of Employment.		Total Period employed.		Nature of Employment.
		From	To	Years.	Months.	

[Signature of applicant.]

No. Form 98 (Reg. 143).

Under "The Mining Act, 1908."

DREDGEMASTER'S CERTIFICATE AFTER EXAMINATION.

This is to certify that , of , has duly satisfied the Board of Examiners that he is entitled to a certificate entitling him to take charge of a dredge working on a

deep or swift-flowing stream, and this certificate is issued to him accordingly.

Issued at Wellington, this day of , 19 , by the Board of Examiners.

Chairman.
Secretary.

Form 99 (Reg. 140).

Under "The Mining Act, 1908."

CERTIFICATE BY EMPLOYER OF APPLICANT FOR EXAMINATION FOR DREDGEMASTER'S CERTIFICATE.

I HEREBY certify that , of , was employed by me on a dredge working on a deep or swift-flowing stream, situate at , belonging to , from the day of , 19 , to the day of , 19 , and I can recommend him as a man of good repute, sober habits, and competent to undertake the management of a dredge.

Employer's name and address :

NINTH SCHEDULE.

Form 100 (Reg. 52).

APPLICATION FOR LEASE IN A MINING TOWNSHIP.

"The Mining Act, 1908."

To the Warden at .

I APPLY for a lease of the ground herein described : —

Situation :

Area :

No. of section (if land is surveyed) :

Tenure :

Length of occupation :

Purpose for which land is to be used :

[Signature.]

Address for service :

Filed by the Mining Registrar, at o'clock on , the day of , 19 .

The above application will be considered on day, , 19 .

A. B. Warden
[or Mining Registrar].

Form 101 (Reg. 52).

FORM OF LEASE IN A MINING TOWNSHIP.

"The Mining Act, 1908."

This deed made the day of , one thousand nine hundred , in pursuance of section forty-three of "The Mining Act, 1908," between the Warden of the Mining District of (hereinafter, with his successors in office and assigns, called "the lessor") of the one part, and (hereinafter, with his executors, administrators, and permitted assigns, called "the lessee") of the other part, witnesseth that the lessor, with the consent of the Minister of Mines, doth hereby demise and lease unto the lessee all that piece or parcel of land situate in the Township of , in the Mining District, containing , and being Section No. on the map of that township in the District Survey Office at , and as the same is more particularly delineated in the plan drawn in the margin of these presents and therein coloured red : To hold the same unto the lessee for the term of years from the date hereof: Yielding and paying unto His Majesty the King, his successors and assigns, during the said term the yearly rent of , by equal half-yearly instalments in advance to the Receiver of Gold Revenue at , the first such

instalment having been duly paid, and the subsequent instalments being due and payable in advance on the day of and the day of in each year throughout the said term: Provided always, and it is hereby expressly declared and agreed, as follows:—

1. These presents shall be construed and taken to be a demise of the surface of the demised land only, and shall not entitle the lessee to mine on or under the demised land, or to extract, dig, or search for gold or any other metals or minerals therein or thereon.
2. The lessee shall have no claim for compensation or otherwise against the lessor, His Majesty the King, or any other person or persons, or body or bodies corporate whomsoever or whatsoever, for or on account of any loss which the lessee may sustain on account of mining operations carried on below the surface of the demised land or the lands adjoining thereto.

And the lessee doth hereby covenant with the lessor as follows:—

- (a.) That the lessee will from time to time well and truly pay the said rent as hereinbefore appointed, and also all rates, taxes, and assessments levied on the demised land during the said term. And also
- (b.) That the lessee will not part with, assign, or underlet the demised land or any part thereof without the previous consent in writing of the lessor, or of some person duly authorised by the lessor to give such consent. And also
- (c.) That the lessee will not mine for gold or any other metal or mineral on or under the demised land, or extract, dig, or search for gold or any other metal or mineral therein or thereon. And also
- (d.) That the lessee will not at any time commence or prosecute any action or suit or take any proceedings against any person or body corporate to recover any compensation or damages for any loss which the lessee may sustain on account of any mining operation carried on below the surface of the demised land or the lands adjoining thereto.

And it is hereby further agreed and declared that these presents are subject to the provisions of section 43 of "The Mining Act, 1908," and are granted on the express condition that, if and as often as the said rent or any part thereof is in arrear and unpaid for thirty days next after any of the days hereinbefore appointed for the payment thereof, although no formal demand may have been made therefor, or if and as often as the lessee neglects or fails to observe any other of the covenants or provisions herein contained or implied, or for six months continuously abandons or deserts the demised land, then in any of such cases it shall be lawful for any person or persons thereunto duly authorised by the lessor, or by the Minister of Mines, into and upon the demised lands to re-enter, and thereupon this demise shall be absolutely determined, but without releasing the lessee from the payment of any arrears of rent or from any action or suit for or on account of any preceding default.

In witness whereof the lessor and the lessee have hereunto set their hands the day and year firstly hereinbefore written.

, Lessor.

, Lessee.

Signed by the within-named lessor
in the presence of—

A. B.

[Residence and occupation.]

Signed by the within-named lessee
in the presence of—

C. D.

[Residence and occupation.]

Consented to this day of , 190 .
Minister of Mines.

Form 102 (Reg. 53).

APPLICATION FOR LICENSE UNDER SECTION 44 OF THE MINING ACT.

[As in Form 15 in the First Schedule hereof, with all necessary modifications, including Schedule, as follows.]

SCHEDULE.

Purpose for which license is required :

Proposed term of license :

Locality where land is situated, with its boundaries, measurements, and area :

Form 103 (Reg. 53).

LICENSE UNDER SECTION 44 OF THE MINING ACT.

PURSUANT to "The Mining Act 1908," I, the undersigned, Warden of the Mining District, do hereby grant to [Full name, residence, and occupation] this license, authorising the licensee to [State purpose of license] on or over the land described in the First Schedule hereto.

This license is granted for a term of years, commencing on the date hereof, subject to the terms, conditions, reservations, and provisions set out in "The Land Act, 1908," and Mining Act and the regulations thereunder, and to such additional terms, conditions, reservations, and provisions as are specified in the Second Schedule hereto.

In witness whereof, &c.

FIRST SCHEDULE.

[Describe the land.]

SECOND SCHEDULE.

[Additional terms, if any.]

Form 104 (Reg. 54).

LEASE UNDER SECTION 45 OF "THE MINING ACT, 1908."

THIS deed, made the day of , one thousand nine hundred and , in pursuance of section forty-five of "The Mining Act, 1908," between His Majesty King Edward the Seventh (who, with his heirs and successors is hereinafter referred to as "the King") of the one part, and (who with his executors, administrators, and permitted assigns, is hereinafter called "the lessee") of the other part, witnesseth that the King doth hereby demise and lease unto the lessee all that piece or parcel of land, situate at , in the Mining District, containing , and being Suburban Section Number on the Warden's office plan of , and as the same is more particularly delineated in the plan drawn in the margin of these presents and therein coloured red: To hold the same unto the lessee for the term of years from the date hereof: Yielding and paying unto the King during the said term the yearly rent of in advance by equal half-yearly instalments, the first of such instalments having been duly paid, and the subsequent instalments being due and payable in advance on the day of and the day of in each year throughout the said term: Provided always, and it is hereby expressly declared and agreed, as follows:—

1. These presents shall be construed and taken to be a demise of the surface of the demised land only, and shall not entitle the lessee to mine on or under the demised land, or to extract, dig, or search for gold, or any other metals or minerals therein or thereon.
2. The lessee shall have no claim for compensation or otherwise against the King, or against any person or persons, or body or bodies corporate, for or on account of any loss which the lessee may sustain on account of mining operations carried on below the surface of the demised land, or the lands adjoining thereto, provided that such mining

operations were not being carried on at a less distance from the surface than that sanctioned by the Warden.

3. This lease shall be subject to all the provisions of "The Mining Act, 1908," and regulations thereunder, and its and their amendments, relating to the forfeiture and abandonment of residence-sites, and to the recovery of rents in arrear, and such provisions shall be deemed to be incorporated herein, and to form part of the conditions of the lease.

4. At the expiration of the term of this lease the section shall (unless required by the Crown) be again put up for auction, but weighted with the value of the buildings and other improvements then existing thereon, ascertained by valuation under section forty of "The Mining Act, 1908," but in no case shall any right of valuation exist as against the Crown.

And the lessee doth hereby covenant with the King as follows:—

- (a.) That the lessee will from time to time pay the said rent to the said Receiver of Gold Revenue at , and also all rates, taxes, and assessments levied on the demised land during the said term; and also
- (b.) That the lessee will not part with, assign, underlet, or otherwise dispose of the demised land, or any part thereof, without the previous consent in writing of the King, or some person duly authorised to give such consent; and also
- (c.) That the lessee will not mine for gold or any other metal or mineral on or under the demised land, or extract, dig, or search for gold or any other metal or minerals therein or thereon; and also
- (d.) That the lessee will not at any time commence or prosecute any action or suit, or take any proceedings, against any person or body corporate to recover any compensation or damages for any loss which the lessee may sustain on account of any mining operations carried on below the surface of the demised land, or the lands adjoining thereto, provided that such mining operations were not being carried on at a less distance from the surface than that sanctioned by the Warden; and also
- (e.) That the lessee shall within twelve months from the date of this lease fence the whole of the land herein demised with a substantial fence.

And it is hereby further agreed and declared that these presents are subject to the provisions of section forty-five of "The Mining Act, 1908," and are granted on the express conditions that, if and as often as the said rent or any part thereof is in arrear and unpaid for thirty days next after any of the days hereinbefore appointed for the payment thereof, although no formal demand may have been made therefor, or if and as often as the lessee neglects or fails to observe any other of the covenants or provisions herein contained or implied, or for six months continuously abandons the said demised premises, then in any of such cases it shall be lawful for any person or persons thereunto duly authorised by the King, or by the Minister on his behalf, into and upon the demised land to re-enter, and thereupon this demise shall be absolutely determined, but without releasing the lessee from the payment of any arrears of rent, or from any action or suit for or on account of any preceding default.

In witness whereof the Warden of the Mining District, on behalf of the King and the said lessee, have set their hands respectively the day and year first hereinbefore written.

(Lessor.)
(Lessee.)

Signed by A. B., Warden, &c., for and on behalf of the King, in the presence of—

[Residence and occupation.]

Signed by the said lessee in the presence of—
[Residence and occupation.]

H

Form 105 (Reg. 159).

APPLICATION TO BE REGISTERED AS A MINING AGENT.

To the Warden of the Mining District, at

PURSUANT to "The Mining Act, 1908," the undersigned hereby makes application to be registered as a mining agent for the above-mentioned mining district [or in respect of the following localities within the said mining district: namely (*Here name them*)].

Address for service:

Dated at , this day of , 19 .
A. B.

Signature of applicant:

[Or, as the case may be, A. B. (by his Solicitor or Registered Agent, C. D.)].

Time and place appointed for the hearing of the application and all objections thereto: [*e.g.*, Thursday, the 22nd August, 1901, at 10 a.m., at the Warden's Courthouse at].

Objections must be filed in the Registrar's office, and notified to the applicant, at least twenty-four hours before the time so appointed.

, Mining Registrar.

Form 106 (Reg. 164).

LICENSE TO ACT AS REGISTERED MINING AGENT.

PURSUANT to "The Mining Act, 1908," I, the undersigned, , a Warden of the Mining District, do hereby register as a mining agent under the said Act in respect of the Mining District [or the following localities—(*naming them*)—within the said district].

This license is subject to payment of an annual license fee of £1 ls.

In witness whereof I have hereunto subscribed my name, and affixed the seal of the Warden's Court of the Mining District, this day of , 19 , at , Warden.

Form 107 (Reg. 166).

FORM OF APPLICATION TO CANCEL REGISTRATION AS A MINING AGENT.

To the Warden of the Mining District at and to , a Registered Mining Agent.

TAKE notice that I, the undersigned, intend to make application for the cancellation of the registration of the above-named as a mining agent under the above Act, on the grounds following: [*Here set out the grounds of application with reasonable particularity, in separate paragraphs consecutively numbered*].

Date and number of miner's right:

Address for service:

Dated at , this day of , 19 .
Objector.

Form 108 (Reg. 172).

APPLICATION FOR A GOLD-DEALER'S LICENSE.

To the Warden of the Mining District at , of , do hereby make application for a license under "The Mining Act, 1908," to deal in gold. My present address for carrying on business is at , in the said mining district. I have [not] previously held a license for such purpose.

Dated at , this day of , 19 .

[Signature of Applicant.]

Address for business:

Received the within application at the hour of .m. on the day of , 19 , with a fee of 5s.

, Mining Registrar [or Clerk of the Court].

[To be forwarded to the Bank.]

Form 114 (Reg. 184).

APPLICATION FOR A TEMPORARY GOLD-DEALER'S LICENSE.

To the Warden of the Mining District at .

I, , of , do hereby make application, in accordance with the provisions of section 38 of "The Mining Act, 1908," for a temporary license to deal in gold. My present address for carrying on business is at , in the said mining district. I have [not] previously held a license for such purpose.

Dated this day of , 190 .

Signature of applicant : .

Received this application at o'clock .m. on the day of , 190 , with a fee of five shillings. , Warden.

Form 115 (Reg. 185).

TEMPORARY GOLD-DEALER'S LICENSE.

I, , being the Warden of the Mining District, do, by virtue of the powers vested in me under section 381 of "The Mining Act, 1908," grant to a temporary gold-dealer's license to deal in gold at , in the said mining district, and at no other place, for a period of month from the day of the date hereof, and no longer.

Given under my hand, at , this day of , one thousand nine hundred and , Warden.

TENTH SCHEDULE.

(Reg. 167.)

SCALE OF COSTS AND CHARGES WHICH MAY BE ALLOWED TO REGISTERED MINING AGENTS.

(A.) In respect of Applications to the Warden.

Nature of Proceeding.	Costs or Charges. £ s. d.
In respect of every unopposed application, including preparation and filing of application, and appearance before the Warden	0 10 6
In respect of every opposed application, including preparation and filing of application [or notice of objection, <i>as the case may be</i>], as well as appearance before the Warden	£1 1s. to 3 3 0

(B.) In respect of Proceedings before the Warden's Court.

Nature of Proceedings.	Under £2. £ s. d.	£2 and under £5. £ s. d.	£5 and under £20. £ s. d.	£20 and under £45. £ s. d.	£45 and over that Sum. £ s. d.
For entering plaint where the amount claimed is half of plaintiff to conduct action in defended suits where the amount recovered is	0 10 6	1 1 0	1 1 6	2 2 0	2½ per cent. on amount in respect of which judgment is given, but so that the sum allowed is not less than £2 2s.
Appearance in Court on behalf of defendant to conduct action in defended suits where the amount claimed is	0 10 6	1 1 0	1 1 6	2 2 0	2½ per cent. on amount sued for, but so that the sum allowed is not less than £2 2s.
Appearance in Court in undefended cases where the amount claimed is	0 5 0	0 10 6	1 1 0	1 11 6	1 per cent. on amount in respect of which judgment is given, but so that the sum allowed is not less than £1 11s. 6d.
Appearance in Court in cases where no amount is claimed, or where payment of money is not the only relief sought (as in forfeitures, encroachments, &c.)	..	..	..	..	The same as for opposed applications.

Where the hearing of a defended suit extends over one day of six hours, the Warden may allow an additional fee not exceeding £1 1s. for each additional day of six hours or part thereof.

(C.) Interlocutory or other Proceedings.

In respect of any interlocutory or other proceedings the Warden may, in his discretion, allow an additional fee of not less than 5s. nor more than £2 2s.

As witness the hand of His Excellency the Governor, this twenty-fifth day of October, one thousand nine hundred and nine.

R. McKENZIE,
Minister of Mines.

[Extract from *New Zealand Gazette*, 25th Nov., 1909.]

Regulations for granting Assistance towards Prospecting the Deep Levels at the Thames.

PLUNKET, Governor.

IN exercise of the powers conferred upon him by section three hundred and ninety of "The Mining Act, 1908," and of all other powers enabling him in this behalf, His Excellency the Governor of the Dominion of New Zealand doth hereby make the following regulations for granting assistance towards prospecting the deep levels at the Thames Goldfield, and doth hereby declare that such regulations shall come into force from the date of the gazetting thereof:—

REGULATIONS.

1. The terms and conditions subject to which assistance may be given shall be such as the Minister thinks fit to prescribe, not being inconsistent with the Mining Act or the regulations for the time being in force thereunder.

2. A board of management shall be appointed, consisting of one member representing each contributing company and two members nominated by the Minister, one of whom shall be Chairman and have a deliberative and a casting vote. A notice in the *New Zealand Gazette* of the appointment of the Board shall be sufficient notice of the appointment.

3. The Minister shall require such terms and conditions as he thinks necessary to be embodied in a written instrument of contract or agreement, which shall be executed by the representatives of the contributing companies of the one part, and the Minister, on behalf of His Majesty, of the other part.

4. Such instrument shall expressly state that all moneys payable by or on behalf of His Majesty thereunder shall be subject to the appropriation of Parliament.

5. Such terms and conditions as aforesaid shall include, *inter alia*, the following:—

(a.) That the crosscut shall be of such size and shape as the Board, with the consent of the Minister, prescribes.

(b.) That due provision shall be made to the satisfaction of the Warden, on such terms as he may prescribe, whereby all persons may at all reasonable times have access to the crosscut for the purpose of driving subsidiary crosscuts, and otherwise availing themselves of such crosscut and subsidiary crosscuts for the purposes of mining and drainage.

(c.) That due provision shall be made, if payable ground be met with, for a refund to His Majesty, by such of the contributing companies as discover payable ground, of a due proportion of the amount of the subsidy paid by the Minister under the agreement.

6. The Board shall have full control of the work and the expenditure of the moneys contributed by the companies and the Minister, subject to the special terms of the agreement in each case.

7. The Board shall submit to the Minister for approval, before any work is begun, plans and specifications in detail of the work to be done, and shall also from time to time

keep and furnish such accounts and statements of moneys received and expended on account of the works as may be reasonably required.

8. The work will be at all times subject to supervision by the Inspector of Mines for the district, and progress-payments will be made from time to time on his certificate.

As witness the hand of His Excellency the Governor, this sixteenth day of November, one thousand nine hundred and nine.

R. McKENZIE,
Minister of Mines.

[Extract from *New Zealand Gazette*, 3rd March, 1910.]

Regulations under "The Mining Act, 1908."

PLUNKET, Governor.

IN exercise of the powers conferred upon him by "The Mining Act, 1908" (hereinafter termed "the said Act"), His Excellency the Governor of the Dominion of New Zealand doth hereby revoke the regulation specified in the First Schedule hereto, and in lieu thereof doth hereby make the regulation set forth in the Second Schedule hereto; and doth hereby declare that the regulation thereby made shall come into force on the day of the gazetting hereof.

FIRST SCHEDULE.

CLAUSE (d) of Part II of regulations for the installation of electricity, dated 25th October, 1909, and published in the *New Zealand Gazette* of the 28th October, 1909.

SECOND SCHEDULE.

(d.) No higher pressure than a medium-pressure supply shall be used underground other than for transmission or for motors, and shall then be applied only to transformers and motors in which the whole of the high-pressure circuit is stationary; and the high-pressure wires or conductors, other than overhead lines above ground, forming the connections to the transformers, or otherwise in connection with the supply, shall be completely enclosed in a strong armouring or metal casing efficiently connected with earth, or they shall be fixed at such a distance apart or in such a manner that danger from fire or shock shall be reduced to the minimum.

The machines, apparatus, and lines shall be so marked as to clearly indicate that they are high pressure, either by the use of the word "Danger" at frequent intervals, or by red paint properly renewed when necessary.

As witness the hand of His Excellency the Governor, this second day of March, one thousand nine hundred and ten.

R. McKENZIE,
Minister of Mines.

[Extract from *New Zealand Gazette*, 7th September, 1911.]

Amended and Additional Regulations under the Mining Act, 1908.

ISLINGTON, Governor.

IN exercise of the powers conferred upon him by the Mining Act, 1908 (hereinafter termed "the said Act"), His Excellency the Governor of the Dominion of New Zealand doth hereby make the following amendments and additions to the regulations made under the said Act on the twenty-fifth day of October, one thousand nine hundred and nine, and published in the *New Zealand Gazette* of the twenty-eighth day of October then instant; and doth hereby order that the regulations hereby made shall be read as part of the said principal regulations, and shall come into force on the day of the gazetting hereof.

REGULATIONS.

1. REGULATION 94 of the principal regulations is hereby amended by inserting the following clauses:—

- (5A.) In raising or lowering persons the rate of speed shall not exceed 200 ft. per minute when the cage or other conveyance is within 100 ft. of the surface, bottom, or stopping-place, nor 500 ft. per minute when it is in any other part of the shaft.
- (5B.) No stope shall be worked at a greater height than 8 ft. 6 in., or as may be approved by the Inspector of Mines.
- (5C.) The owner, agent, or manager shall cause a sufficient number of suitable sanitary conveniences to be provided above and below ground, in suitable and convenient places, for the use of the persons employed, and to be constantly kept in a cleanly and sanitary condition; and no person shall relieve his bowels below ground elsewhere than in those conveniences. No person shall soil or render unfit for use in any way any convenience or sanitary utensil or appliance provided for the use of the persons employed. Pump-cisterns, sumps, and water accumulations in the mine shall not be directly or indirectly used for the purpose of this rule as a sanitary convenience.
- (5D.) (i.) A place or places for meals shall be set aside in each level. Such places shall be kept clean.
(ii.) At every such place an impervious metal receptacle shall be provided, in which all waste food, paper, and other rubbish shall be placed. Any person wilfully neglecting to use the receptacle or throwing waste food about the mine shall be guilty of an offence.
(iii.) The contents of the receptacle shall be sent to the surface, and the receptacle shall be thoroughly cleansed, at regular intervals.
- (5E.) A uniform code of signals shall be adopted at all mines, such code being as follows:—
1 bell—Stop or hold cage.
2 bells—Lower cage.
3 bells—Haul up cage.
4 bells—Men on cage.
5 bells—Change level.
12 bells—Accident.

In addition to the ordinary signals for winding, the "ward" system must be used when ringing the cage from a level to another level.

	Present No. of Level.	No. of Level in No. 1 Ward.	Bell.		Bell.
No. 1 Ward	No. 1	1	1	pause	1
	No. 2	2	1	"	2
	No. 3	3	1	"	3
	No. 4	4	1	"	4
	No. 5	5	1	"	5
No. of Level in No. 2 Ward.					
No. 2 Ward	No. 6	1	2	pause	1
	No. 7	2	2	"	2
	No. 8	3	2	"	3
	No. 9	4	2	"	4
	No. 10	5	2	"	5

When ringing the cage from a level to another level, the number of the ward must be rung first, and then the number of the level in that ward. It must always be understood that there are men on the cage in the inter-level signals.

- (5F.) In any mine where the number of holes to be fired in one blast exceeds six, electric firing-apparatus shall be used. If, however, the number of holes to be fired does not exceed six, they may be spitted.
 - (5G.) Every workman, howsoever employed in or about the mine, whether on the surface or underground, shall be subject to the rules and regulations under the said Act, and shall obey the commands or instructions of the manager or any person in charge of the mine or part of the mine in which he is working.
 - (5H.) No person shall use threatening or abusive language towards the manager or other official of a mine, nor shall the manager or other official of a mine use threatening or abusive language towards any person employed in or about a mine.
 - (5I.) The ends of every cage shall be provided with a suitable gate, which shall always be used when persons are riding, and there shall also be a rigid bar or handrail at the top of the inside of every cage for persons to hold on to during the ascent or descent of the cage; and no cage shall be used until it has been examined by an Inspector, and his certificate in writing given that the aforesaid appliances have been fitted to his approval, and that the cage is in fit working-order.
 - (5J.) No person shall interfere with the engine, except the certificated winding-engine driver, when men are being raised in or lowered down a shaft. The engine-driver shall at all times gently lift the cage from the pit-bottom, and carefully drive the engine, and not leave the handle while persons are in the shaft, and no other persons shall be allowed to remain in the engine-house. Particular attention shall be paid to all indicators and signals, and the engine shall be stopped if any defect is perceived.
2. Subclause (b) of clause 6 of Regulation 127 of the principal regulations is hereby revoked, and the following substituted in lieu thereof:—
(b.) For sinking in wet ground where slabbing is necessary, the shaft being not less than 4 ft. by 3 ft., or as to be determined by the Inspector of Mines,—
Double the foregoing rate.
3. Form 93 in the Eighth Schedule to the principal regulations is hereby amended by adding the following paragraph:—
(3.) My age at the present time is years.

As witness the hand of His Excellency the Governor, this sixth day of September, one thousand nine hundred and eleven.

R. McKENZIE,
Minister of Mines.

UNIVERSITY OF ILLINOIS-URBANA



3 0112 073249333